

**EMPOWERING STATE BASED MANAGEMENT SOLUTIONS FOR GREATER SAGE GROUSE RECOVERY**

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**OVERSIGHT HEARING**

BEFORE THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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Wednesday, October 25, 2017

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# **OVERSIGHT HEARING ON EMPOWERING STATE BASED MANAGEMENT SOLUTIONS FOR GREATER SAGE GROUSE RECOVERY**

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**Wednesday, October 25, 2017  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, DC**

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The Committee met, pursuant to notice, at 10:05 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Committee] presiding.

Present: Representatives Bishop, Lamborn, Wittman, McClintock, Pearce, Thompson, Labrador, Tipton, LaMalfa, Cook, Hice, Radewagen, Cheney, Gianforte; Grijalva, Tsongas, Torres, and Soto.

Also present: Representative Amodei.

The CHAIRMAN. Thank you. We welcome you to the Committee hearing today. I will call this meeting to order when it is time. But according to our clock up there we still have a half-hour before it starts, so if any of you want to just flit around for a while, you got it.

[Laughter.]

The CHAIRMAN. This Committee is called to order. The Committee is meeting today to hear testimony on empowering state based management solutions for the greater sage-grouse recovery.

I ask unanimous consent at this time that the gentleman from Nevada, Mr. Amodei, be allowed to sit with the Committee and participate in the hearing.

Without objection, so ordered.

However, that is conditioned upon the fact that I never see him carrying his laundry to his apartment again in the morning. If you want to look like a peasant woman carrying your clothes, that is fine, but not in public. OK, we are set.

Under Committee Rule 4(f), any oral opening statements are limited to the Chairman, the Ranking Minority Member, and the Vice Chair. This will allow us to hear from witnesses faster. I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Without objection, so ordered.

Let me start with my opening statement.

## **STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

The CHAIRMAN. Today, the Committee members are meeting to examine state-driven successes that we have seen in the management of the greater sage-grouse. Clearly, there is a continuing need for local control over both the bird and its habitat.

The range of the greater sage-grouse covers millions of acres over parts of 11 states. It is as expansive as it is varied, and yet there are different ways in which we handle that.

Once upon a time, a long time ago, there was an administration that decided to tell the states we have a problem with the sage-grouse, you come up with a plan to solve that problem and we will implement that. Then I watched as states busily became involved in coming up with a plan that met the environmental needs of their particular communities. Only then to find, later on, that the administration that said we will honor the state plans decided to change their mind. They instead came up with a one-size-fits-all approach, based on whatever science, we don't know, because it was never actually shown to us. Nor were those who came up with that science ever allowed to talk to this particular Committee.

So, instead, we have a hybrid system that is not necessarily helping the problem today. That is the purpose of today's hearing: to provide further evidence that state and local control leads to lasting success, not just to actually control and manage the bird, but to rehabilitate the species. And that is the goal of the state-side programs, which is not necessarily the product of a one-size-fits-all Federal approach to this particular issue.

States have consistently proven they are masters at caring for their own lands and their wildlife, and sage-grouse is no different. In my home state of Utah, for example, the state spends an average of \$5 million a year managing sage-grouse. With its state plan, Utah can cut fire lines, remove flammable invasive species, and react quickly in the event of wildfire. The plan has produced excellent results, with significantly fewer wildfire damages to sage-grouse habitat in 2016, and minimizing the impact of this and future fire seasons.

The reason I mention that is, quite frankly, the greatest threat we have to sage-grouse in my state is wildfire. If we can actually control and manage the wildfire, we actually help the habitat of that bird. And if you can get the crows to quit eating their eggs, that would be helpful, too.

I look forward to hearing from local stakeholders, representing several sage-grouse states that not only have state plans working, but the bird is thriving under their local management.

It is important that we applaud the current Administration's efforts to correct the flaws in these resource management plans of the past. However, it is also important that the Administration fully recognize the successes of state plans, the opportunity we have with state plans, and to ensure a robust local input as they develop these kinds of corrections.

I thank our witnesses for traveling great distances to be here today and to outline what their states have and can do in the future. We have found that implementing their locally developed recovery plans will be the best source that we can do, not just, as I said, to control sage-grouse, but to rehabilitate this species and move forward in the future.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HON. ROB BISHOP, CHAIRMAN, COMMITTEE ON  
NATURAL RESOURCES

Today, the Committee meets to examine state-driven successes we have seen in the management of the greater sage-grouse. Clearly, there is a continuing need for local control over both the bird and its habitat.

The range of the greater sage-grouse, covering millions of acres over parts of 11 states, is as expansive as it is varied. Yet, the Federal Government under the Obama administration insisted on managing greater sage-grouse recovery with a Washington, DC, one-size-fits-all approach that fails miserably to address the individual management challenges present in each state.

The purpose of today's hearing is to provide further evidence that state and local control leads to lasting success. States have consistently proven to be masters at caring for their own lands and wildlife, and sage-grouse is no different.

In my home state of Utah, for instance, the state spends an average of \$5 million a year managing sage-grouse. The results are encouraging: our state has seen the population of the bird increase steadily since 1990, and Utah is well exceeding the target number of male sage-grouse established by our recovery plan.

This success is due to the state's ability to tailor the management plan to meet the distinct needs of Utah's environment. Unlike other states, the single greatest problem threatening sage-grouse in Utah is catastrophic wildfires. With its state plan, Utah can cut fire lines, remove flammable invasive species, and react quickly in the event of a wildfire. The plan has produced excellent results, with significantly fewer wildfires damaging sage-grouse habitat in 2016, and minimizing the impact of this and future fire seasons.

All of this, despite the prior administration's regulatory attempt to force a Federal 'one-size-fits-all' approach. Simply put, had Utah been mandated to implement a Nevada plan, or a California plan, or anything less than a tailored solution, much more of Utah would have quite literally gone up in smoke and our grouse population would have suffered.

Irrespective of what success Utah or other states can achieve on their own, however, the Fish and Wildlife Service has dictated its intent to re-examine the species for listing by 2020.

I look forward to hearing from local stakeholders representing several sage-grouse states that, not only are the state plans working, but the bird is thriving under local management.

Imposing an ESA listing decision of the sage-grouse would stifle state-based management plans, unravel the nearly 15 years of positive advances made by western states, and disregard the investment each state has made to protect the species. In addition, the BLM and Forest Service are currently reviewing the 98 resource management plans that were developed simultaneously with the Fish and Wildlife Service's decision to not list sage-grouse. These federally decreed plans, which left in place would create a 'de facto' listing, are overly restrictive, rushed decisions that did failed to consider local input in many areas.

We applaud the current Administration's efforts to correct the flaws in these resource management plans. However, it is important also that the Administration fully recognize the successes of the state plans, and ensure robust local input as they develop their corrections.

I thank our witnesses for traveling out to be here today to outline the successes each of their states have found in implementing their locally developed recovery plans, underscoring the all that is possible through smart and effective local control.

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The CHAIRMAN. With that I yield back, and I recognize the Ranking Member for his statement.

**STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you, Mr. Chairman, and let me also join with you in welcoming our witnesses.

In 2015, the last time we held an oversight hearing on the sage-grouse management, the Majority and their witnesses complained about being cut out of the process. Of course, these claims were false and have been abandoned. People know that the

corresponding effort to conserve sage-grouse and sagebrush habitat without an ESA listing was highly inclusive and transparent.

Now, the Majority has shifted from criticizing the process to criticizing the outcome. They claim that sage-grouse conservation plans put in place last year are not based on sound science, are hindering economic development, and are increasing wildfires and encroachment by invasive species. These claims are also false.

Let's talk about the real facts that are grounded in science, and put aside the "alternative facts" grounded in nothing more than the hope that nobody is really paying attention.

It is a fact that restoring sagebrush ecosystems is more complicated than allowing more cattle grazing. Scientific studies show not only that cattle grazing played a big role in spreading cheat-grass, but also that higher grazing intensity promotes the continued spread of that plant. The same is true for pinyon-juniper encroachment, which scientists have found to be significantly greater in grazed areas.

The science also shows that grazing will not stop fires under very hot and dry conditions, just as those being experienced more and more in our West as a result of climate change. But climate change is a factor that is not being considered by this Administration and Congress. In fact, it is being debased and denied as a science and a reality in that climate change is and must be factored in the future.

Making our lands more resilient to these threats is a complex challenge, and the solution is painstaking, science-based range restoration, not turning cattle loose and calling it a day.

The science also shows that habitat fragmentation from energy development and mining are key threats to sage-grouse. The Obama administration worked with states, localities, tribes, industry, scientists, and other stakeholders to protect core sage-grouse habitats without impacting existing mining and energy claims and still maintaining access to the vast majority of these recoverable resources.

That is not a job killer; that is the definition of multiple use and sustainable, responsible management of our natural resources.

Cries that the Federal Government imposed cookie-cutter or one-size-fits-all policies are also disingenuous. States have full control over how they manage for sage-grouse conservation on state and private lands, and all 98 of the resource management plans underpinning the conservation strategy are individually tailored.

Of course, the Majority does not really care about any of these facts. All they care about is their crusade to transfer U.S. public lands, or management of these lands, from Federal agencies representing all Americans to states and localities that represent a few.

Two of our invited guests, witnesses today, have publicly argued for this approach, never mind the fact that the states lack the resources to manage these lands effectively without selling them off to the highest bidder.

So, instead of celebrating the sage-grouse conservation success, the Majority is focused on keeping two myths alive to support their seize-and-sell agenda.



The first myth is that the Endangered Species Act does not work. That has been disproven time and time again, but never more clearly than in the particular case that we are dealing with today, where state and Federal partners worked hand in hand to prevent the listings of a species.

The second is the myth that the West is a land of inexhaustible natural resources that could produce infinite wealth and job opportunities, if only the Federal Government would get out of the way. Much of the West is evolving. Its economic future is in clean energy, outdoor industries, and lower-impact, more sustainable resource use.

The Trump-Zinke plan to roll back sage-grouse protections will only hurt the West. It will make it more likely that the bird will warrant Endangered Species Act listing when the Fish and Wildlife reviews its status.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, RANKING MEMBER,  
COMMITTEE ON NATURAL RESOURCES

Thank you, Mr. Chairman.

In 2015, the last time we held an oversight hearing on sage-grouse management, the Majority and their witnesses complained about being cut out of the process. Of course, those claims were false and have been abandoned.

People know the effort to conserve sage-grouse and sagebrush habitat without an ESA listing was highly inclusive and transparent.

Now, the Majority has shifted from criticizing the process to criticizing the outcome. They claim that the sage-grouse conservation plans put in place last year are not based on sound science, are hindering economic development, and are increasing wildfires and encroachment by invasive species. These claims are also false.

Let's talk about real facts that are grounded in science and put aside "alternative facts" grounded in nothing more than the hope that nobody is really paying attention.

It is a fact that restoring sagebrush ecosystems is more complicated than allowing more cattle grazing. Scientific studies show not only that cattle grazing played a big role in spreading cheatgrass but also that higher grazing intensity promotes the continued spread of the plant. The same is true for pinyon-juniper encroachment, which scientists have found to be significantly greater in grazed areas.

The science also shows that grazing will not stop fires under very hot and dry conditions, such as those being experienced more and more often across the West as a result of climate change.

Making our lands more resilient to these threats is a complex challenge and the solution is painstaking, science-based range restoration—not turning a bunch of cattle loose and calling it a day.

The science also shows that habitat fragmentation from energy development and mining are key threats to sage-grouse.

The Obama administration worked with states, localities, tribes, industry, scientists, and other stakeholders to protect core sage-grouse habitat without impacting existing mining and energy claims and still maintaining access to the vast majority of recoverable resources.

That's not a job killer—that's the definition of multiple use and sustainable, responsible management of our natural resources.

Cries that the Federal Government imposed "cookie cutter" or "one-size-fits-all" policies are also disingenuous. States have full control over how they manage for sage-grouse conservation on state and private lands, and all 98 of the resource management plans underpinning the conservation strategy are individually tailored.

But, of course, the Majority doesn't really care about any of these facts. All they care about is their crusade to transfer U.S. public lands, or management of those lands, from Federal agencies representing all Americans to states and localities that represent only a few.

Two of their invited witnesses have publicly argued for this approach, never mind the fact that states lack the resources to manage these lands effectively without selling them off to the highest bidder.

So, instead of celebrating the sage-grouse conservation success, the Majority is focused on keeping two myths alive to support their “seize and sell” agenda.

The first is the myth that the Endangered Species Act doesn’t work. That has been disproven time and time again, but maybe never more clearly than in this particular case where state and Federal partners worked hand in hand to prevent the listing of a species.

The second is the myth that the West is a land of inexhaustible natural resources that could produce infinite wealth and job opportunities if only the Federal Government would get out of the way. Much of the West is evolving. Its economic future is in clean energy, outdoor industries, and lower-impact, more sustainable resource use.

The Trump-Zinke plan to roll back sage-grouse protections will only hurt the West. It will make it more likely that the bird will warrant an ESA listing when the Fish and Wildlife Service reviews its status.

I yield back.

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Mr. GRIJALVA. With that, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you for that opening statement.

Mr. GRIJALVA. You are welcome.

The CHAIRMAN. I am now going to introduce our witnesses.

You will notice the restraint I am having here. All the wonderful one-liners, I am going through my head and I am not going to use any of them right now. We will go directly to the witnesses that are there. I appreciate them being here.

We will hear from you in this order: the Honorable Scott Bedke, who is the Speaker of the House in the State of Idaho from Oakley, Idaho, thank you for being here; Mr. Darin Bird, who is the Deputy Director of the Utah Department of Natural Resources from Salt Lake City, Utah; the Honorable John Tubbs, who is the Director of the Montana Department of Natural Resources and Conservation in Helena, Montana; the Honorable J.J.—oh, I was going to say that correctly and I screwed it up already, Goicoechea—the County Commissioner and the Chairman of the Eureka County Commissioners in Eureka County, Nevada.

We appreciate you being here. I am going to remind the witnesses that, under our Committee Rules, they are limited in their oral testimony to 5 minutes, but their entire statement will appear in the record.

The microphones in front of you are not automatic. Actually, this is the first time we have used this committee room since it was fixed. Hopefully it works. But at least, on the plus side, you don’t have to look at the old chairmen of the Budget Committee any more. So, at least that is a plus for us. Since they are not automatic, you are going to have to press the button to be on there, and just adjust how close you need to be to be heard from that point on.

If any of you are not aware of the light system, when the green light is on, you are using your 5 minutes and everything is going great. When the yellow light comes on, it is like a traffic light and you have to hustle through as fast as you possibly can, because when the red light goes on I am going to cut you off, even though that is rude. But I apologize, we are going to have to do that. I will do the same with Members, too. So, when it is your turn, remember, if it is yellow, go faster, because I am going to cut you off at 5 minutes.

Speaker Bedke, you are recognized for 5 minutes, and thank you for being here.

**STATEMENT OF THE HON. SCOTT BEDKE, SPEAKER OF THE  
IDAHO HOUSE OF REPRESENTATIVES, OAKLEY, IDAHO**

Mr. BEDKE. Thank you, Mr. Chairman, Ranking Member, and members of the Committee. Thank you for this invitation to testify on the importance of sage-grouse conservation in the West. I am the Speaker of the House in Idaho and a charter member of the governor's task force on sage-grouse, and I perhaps am uniquely qualified to testify on this topic.

For five generations my family has had a ranching operation in the heart of greater sage-grouse habitat in the Great Basin of Southern Idaho and Northern Nevada. Our ranch operates in a way that benefits the greater sage-grouse and its habitat.

The best available science has shown us that the major threats to sage-grouse populations in the Great Basin are, Number one, wildfire; and Number two, the invasive plants that follow a large fire. The best science also says that livestock grazing is a second-tier threat, and then only when it is employed improperly. Proper livestock grazing is not deemed to be a threat at all.

The Idaho sage-grouse plan is predicated on decades of science and expertise. Instead of adopting Idaho's sage-grouse plan, the 2015 Federal land use plan amendments seek to punish livestock grazing with unreasonably large lek buffers and impossible minimum stubble height requirements. If, as the science says, wildfire is the Number one threat to sage-grouse populations, then further reductions on livestock grazing create and increase fuel load, making the habitat much more susceptible to larger and more frequent wildfires. The amendments are counterproductive to the sage-grouse conservation.

This past summer, my family witnessed firsthand how good intentions and a total lack of practical knowledge can backfire. Lightning started a small fire on one of our grazing allotments on the Nevada-Idaho border. The first burned approximately 500 acres before it was declared out and contained. The next day the fire started up, however, and the firefighters returned with their equipment. To our surprise, some of the heavy equipment sat around unused for hours, while the fire continued to grow and eventually burned another 20,000 acres, all of which was in prime sage-grouse habitat.

Why? Because Federal regulations prevented the use of fire-fighting equipment since there was not a qualified Cat tender on the fire. A Cat tender is a person that walks in front of the bulldozer as the fire line is created, in order to assure that no historical artifacts are disturbed. However, most of the time the fire line is laid down in an area that has already been disturbed, such as an existing road or fence line, as it was in this case, thus obviating the need for archeological clearance.

So, thousands of acres of prime sage-grouse habitat burned because of improper Federal firefighter policy. This scenario will be repeated if fuel control activities such as grazing are further restricted. There is nothing wrong with using a Cat tender, but Federal red tape resulted in a perverse outcome, since those on the

ground did not have the decision-making authority to quickly assess and adapt to a rapidly escalating range fire. In other words, they were not allowed to employ common sense, and thousands of acres of habitat burned, arguably, needlessly.

Range fire is the top concern in Idaho sage-grouse habitat. Our plans are specifically designed to address the factors which result in catastrophic wildfire, but there seems to be a growing trend in the Federal resource planning ignoring decades of experience and the specific needs of the western states. In fact, Federal sage-grouse plans will actually make the situation worse.

Let me explain how that has happened. Anti-grazing activists have been fighting lawsuits for decades, trying to list grazing as one of the threats to the greater sage-grouse. The activists hold to a completely unproven theory that minimum stubble height will help grouse hide from ravens and crows, who predate on sage-grouse nests. But because ravens and crows have been unmanaged for decades due to Federal restrictions on predator control, their numbers now far exceed historical levels. As a result, in many places sage-grouse nest predation by crows and ravens is somewhere in the range of 60 to 90 percent mortality.

Rather than implement predator control to reduce nest predation, the BLM and the Forest Service have adopted unproven stubble height requirements that will result in fewer AUMs and increased fuel loads. Federal agencies have made the Number one threat to sage-grouse in Idaho worse. In fact, these Federal amendments, if left standing, will create an explosive wildfire situation throughout the Great Basin.

In summary, Mr. Chairman, since 2014, I have been meeting with you and your staff regarding the coming disaster of these sage-grouse plan amendments. The very things that we warned against are now adopted by the BLM and Forest Service. More Federal regulation is only making the situation on the ground worse for the greater sage-grouse.

[The prepared statement of Mr. Bedke follows:]

PREPARED STATEMENT OF REP. SCOTT BEDKE, SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES

Mr. Chairman and members of the Committee, thank you for the invitation to testify regarding the importance of protecting state sage-grouse conservation in the West. We appreciate your efforts to provide congressional protections for Idaho's sage-grouse plans.

I am the Speaker of the House in the state of Idaho and a charter member of the Governor of Idaho's sage-grouse task force. I am also perhaps uniquely positioned to testify regarding the greater sage-grouse. My brother and I run a family ranching operation. For five generations, our family has operated in the heart of greater sage-grouse habitat in the Great Basin of southern Idaho and northern Nevada. We understand the needs of greater sage-grouse. Our ranching operation is designed to operate according to the best available science and methodology to benefit the greater sage-grouse and its habitat.

Idaho's sage-grouse conservation efforts are designed to address the conservation of sage-grouse in the state of Idaho using the best available science. That science determined that the largest threat to the sage-grouse population in the Great Basin is, Number one, wildfire, and Number two, the invasive plant species that proliferate after a large fire. The best science also says that livestock grazing is a "second tier" threat—and then only if the grazing is carried out improperly. Proper livestock grazing is not deemed to be a threat at all.

All of the sage-grouse stakeholders were disappointed in the Federal land management agencies' disregard for the decades of science and expertise upon which

Idaho's sage-grouse plans are predicated. Instead of adopting Idaho's sage-grouse plan, the 2015 Federal land use plan amendments seek to punish livestock grazing with unreasonably large lek (breeding ground) buffers and impossible minimum stubble height requirements. If, as the science says, wildfire is the Number one threat to the sage-grouse population, then Federal plan amendments that further restrict livestock grazing create an increased fuel load, thus making the habitat much more susceptible to larger and more frequent wildfires. The amendments are counterproductive to sage-grouse conservation.

This past summer, my family witnessed firsthand how good intentions and a total lack of practical knowledge can backfire. Lightning started a range fire on one of our grazing allotments on the Nevada-Idaho border. The fire burned approximately 500 acres and was declared out and contained, and the fire crews left. The next day, the fire started again and burned approximately another 20,000 acres, all of which was in sage-grouse habitat.

As the fire began to build again, the hardworking firefighters showed up with their firefighting equipment. To our surprise, most of the heavy equipment sat unused for hours. The fire continued to grow and get more out of control. Why? Because Federal regulations prevented the use of firefighting equipment since a "Cat tender" had not shown up. A "Cat tender" is a person who walks in front a bulldozer as the fire line is created, in order to assure that no historical artifacts are disturbed. However, most of the time the fire line is laid down in areas that have already been disturbed, such as an existing road or fence line, as it was in this case—thus obviating the need for archaeological clearance or cat tending. So instead of extinguishing the fire, thousands of acres of prime sage-grouse habitat burned. In fact, essentially the entire winter unit of our allotment was consumed in one large catastrophic wildfire.

These dangerous situations will be made worse by restrictions on fuel control activities such as grazing. There is nothing wrong with using a "Cat tender." But Federal red tape resulted in a perverse outcome. Rather than being able to quickly assess the situation on the ground and doing the right thing, those on the ground did not have the decision-making authority to adapt to a quickly escalating wildfire.

What we are talking about here is using common sense.

There seems to be a growing trend in Federal resource planning of ignoring the needs of the western states, to say nothing of the decades of wisdom and practical experience we can offer. Let me speak more specifically: catastrophic wildfire is the top concern in Idaho sage-grouse habitats. Our plans are designed to address the factors which can result in catastrophic wildfire. Federal sage-grouse plans not only ignore Idaho's science and our decades of experience in addressing these contributing factors, but they will actually make the situation worse.

Let me explain how this happened. Anti-grazing activists have been filing lawsuits for decades to list livestock grazing as one of the threats to the greater sage-grouse. Their theory has been to reduce AUMs by requiring a minimum stubble height on the range. Their justification is a completely unproven theory that a minimum stubble height requirement will help grouse hide from ravens and crows who predate on sage-grouse nests. Because ravens and crows have been literally unmanaged for decades due to Federal restrictions on predator control, their numbers far exceed historic levels. As a result, in many places, nest predation by ravens and crows is somewhere in the range of 60–90 percent of the sage-grouse nests. So rather than implement predator control to reduce nest predation, the BLM and Forest Service adopted unproven stubble height restrictions that will result in fewer AUMs.

In addition, there are common-sense changes that can be employed in firefighting protocols. In the process of placating anti-grazing activists, Federal agencies have made the Number one threat to the greater sage-grouse in Idaho worse. In fact, these Federal amendments, if left to stand, will create an explosive wildfire situation throughout the Great Basin. This shows a lack of common sense and ignores the threat assessment and the best available science upon which the states' sage-grouse plans are based.

Mr. Chairman and members of the Committee, since 2014 we have been meeting with you and your staff regarding the coming disaster of these Federal sage-grouse plan amendments. The very things which we warned against were adopted by the BLM and Forest Service. This summer, our family witnessed the catastrophic wildfire which we had predicted could occur. More Federal regulation is not helping sage-grouse and their habitats; in fact, it is hurting. Placating anti-grazing, anti-sportsmen, and radical anti-use activists is making the situation on the ground worse for the greater sage-grouse. Good intentions are not good enough for the people of the West. These plans are bad for the West, bad for jobs, and bad for sage-grouse.

We are encouraged by Chairman Bishop's sage-grouse legislation. Western states have invested \$750 million to address the needs of sage-grouse. These state conservation measures need to be respected and protected. The previous administration's 2015 BLM and Forest Service sage-grouse plans are misguided at best, catastrophic at worst. These plans are based on restrictions on human activity rather than addressing the real threats of pinyon/juniper encroachment, wildfire, and post-wildfire effects, which account for the greatest challenges to sage-grouse habitat in the state of Idaho and across the Great Basin. Instead, these plans seem to be based on the Wyoming and Colorado sage-grouse plans which do not, and will not, work for Idaho.

This past winter, Governor Butch Otter and I visited congressional leaders and expressed Idaho's strong support for reversing these Federal sage-grouse plan amendments and providing congressional protections for Idaho's conservation measures. For the last 20 years, sage-grouse populations have been steady or increasing in Idaho and across the West. We are committed to sage-grouse conservation in the state of Idaho. For 30 years, radical environmental activists have been petitioning to list this bird and have been filing lawsuit after lawsuit. Greater sage-grouse are not endangered. State conservation plans are working to protect and conserve sage-grouse and their habitat. It is time to take congressional action to protect the state plans. Please give the state-based plans a chance and some time to work. We in Idaho are committed to their success.

Thank you.

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QUESTIONS SUBMITTED FOR THE RECORD BY REP. HICE TO THE HONORABLE SCOTT BEDKE, SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES

**The Honorable Scott Bedke did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

*Question 1. Speaker Bedke, in your testimony, you indicate that sportsmen and women are not being utilized adequately in the fight to conserve sage-grouse. This was disappointing to hear as most sportsmen and women that I know agree that conservation of public lands and species is important.*

*Can you expand on that statement and explain why sportsmen and women are integral to conservation and why you feel this is not happening in your state?*

*Question 2. How should sportsmen and women serve as partners in sage-grouse conservation? What options are available to the average sportsman to engage in conservation efforts?*

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The CHAIRMAN. All right, thank you. I appreciate it. Thank you for your testimony.

Mr. Bird, you are recognized for 5 minutes.

**STATEMENT OF DARIN BIRD, DEPUTY DIRECTOR, UTAH DEPARTMENT OF NATURAL RESOURCES, SALT LAKE CITY, UTAH**

Mr. BIRD. Thank you. Chairman Bishop, Ranking Member Grijalva, and members of the Committee, thank you for your kind invitation for me to appear today. I am appearing on behalf of Governor Gary Herbert, and ask that a copy of his written testimony be included as part of the hearing record, as well.

It is easy to come and testify against unpopular Federal programs; however, that is not my purpose today. I am here to talk about one of the successes, and what is needed to protect sage-grouse, western habitats, and hardworking Americans.

Catastrophic wildfire has become a major concern across the American West. This year the Federal Government has spent \$2

billion on wildfire control. This is a new record, and tremendously burdensome for the American taxpayer.

When it comes to sage-grouse, our Number one concern in the state of Utah is wildfire. In 2007, Utah experienced a severe wildfire season. One catastrophic wildfire burned over 300,000 acres in central Utah. As a state, we assessed the problem and took action. We raised millions of dollars in private and state funding. Along with our Federal partners, we began to address the root causes of catastrophic fire in sage-grouse habitats, and began to restore Utah watersheds.

This program, Utah Watershed Restoration Initiative, has completed hundreds of projects in the last 10 years. Over 500 private, state, and Federal partners have contributed to this program financially. We have invested over \$150 million and treated approximately 1.3 million acres. In just 9 years, we have cut the number of wildfire and sage-grouse habitat by 50 percent. We have had almost no catastrophic wildfires in our sage-grouse habitat.

In fact, the total acres burned since these efforts began has been one-fifth of what it was before we started these conservation actions. This has saved 514,552 acres of sage-grouse habitat in these last 9 years. It has also saved tens of millions of dollars of wildfire-fighting costs in the state of Utah. These projects do more than just control fire; they restore our watersheds, native vegetative communities, and dramatically enhance habitat for wildlife. These areas are wetter, produce more runoff, and they dramatically increase the resilience and redundancy of habitats for sage-grouse.

Our researchers are documenting dramatic, measurable improvements in habitat utilization, nesting success, and population response of sage-grouse in these restored areas. By every measure, this program has become a resounding success for sage-grouse and sage-grouse habitat.

I am here to do more than just share a feel-good success story of a program that is working. I am here to protect these programs. In 2015, the Obama administration adopted land-use plan amendments aimed at imposing more regulations on human activities on millions of acres across the state of Utah. These Federal sage-grouse plans may be well intentioned, but they are a threat to the partnerships, funding, and collaboration that makes Utah's watershed restoration initiative work.

Here is the problem: the state of Utah relies on economic activity on areas outside of our sage-grouse management areas to help pay for Utah's Watershed Restoration Initiative. These new regulations have essentially brought much of the new economic activity in areas outside of Utah's sage-grouse management areas to a standstill. What this means is that funding for mitigation, sportsmen, and state tax revenues are being lost. This threatens the one program, the watershed initiative, that is doing the most to protect and restore sage-grouse in the state of Utah.

Good intentions do not make good policy. My earnest petition is that Congress let the people who are impacted the most enact the policies needed to protect our families and our communities. I am asking you to protect a program that is unrivaled in the Nation. The success of our Watershed Restoration Initiative in restoring and protecting sage-grouse is one of the reasons why Utah's legisla-

ture passed a nearly unanimous bipartisan resolution in support of a bill introduced by Congressman Bishop to protect Utah's sage-grouse conservation efforts.

Take action and pass legislation that will protect the proven, on-ground conservation programs that are working for sage-grouse, sage-grouse habitats, and hard-working Americans. Thank you very much, and I look forward to your questions.

[The prepared statement of Mr. Bird follows:]

PREPARED STATEMENT OF DARIN BIRD, DEPUTY DIRECTOR, UTAH DEPARTMENT OF  
NATURAL RESOURCES

Chairman Bishop, Ranking Member Grijalva and members of the Committee, thank you for the kind invitation to testify today. I am appearing on behalf of Governor Gary Herbert and kindly ask that a copy of his written testimony be included as part of the hearing record as well.

It is easy to come and testify against unpopular Federal programs. However, that is not my purpose today. I am here to talk about one of our successes and what is needed to protect sage-grouse, western habitats, and hardworking Americans.

Catastrophic wildfire has become a major concern across the American West. This year, the Federal Government has spent \$2 billion on wildfire control. This is a new record and a tremendously burdensome expenditure for the American taxpayer.

When it comes to sage-grouse, our Number one concern in the state of Utah is wildfire. In 2007, Utah experienced a severe wildfire season. One catastrophic wildfire burned over 300,000 acres in central Utah. As a state, we assessed the problem and took action. We raised millions of dollars in private and state funding. We began to address the root causes of catastrophic wildfire in sage-grouse habitats and began to restore Utah watersheds.

This program, The Utah Watershed Restoration Initiative, has completed hundreds of projects in the last 10 years. Over 500 private, state, and Federal partners have contributed to this program financially. We have invested over \$160 million and treated approximately 1.3 million acres. In just 9 years we have cut the number of wildfires in sage-grouse habitat by 50 percent. We have almost no catastrophic wildfires in our sage-grouse habitat. In fact, total acres burned since these efforts began has been one-fifth of what it was before we started these conservation actions . . . this has saved 514,552 acres of sage-grouse habitat in the last 9 years. It has also saved tens of millions of dollars in wildfire fighting costs in the state of Utah.

These projects do more than just control wildfire. They restore our watersheds, native vegetative communities, and dramatically enhance habitat for wildlife. These areas are wetter, produce more runoff, and they dramatically increase the resilience and redundancy of habitats for sage-grouse. Our researchers are documenting dramatic measurable improvements in habitat utilization, nesting success, and population response of sage-grouse in these restored areas.

By every measure, this program has been a resounding success for sage-grouse and sage-grouse habitat.

I am here to do more than just share a feel good success story of a program that is working. I am here to protect these programs. In 2015, the Obama administration adopted land use plan amendments aimed at imposing more regulations on human activity on millions of acres across the state of Utah. These Federal sage-grouse plans may be well intentioned, but they are a threat to the partnerships, funding, and collaboration that makes Utah's Watershed Restoration Initiative Work.

Here is the problem: the state of Utah relies on economic activity in areas outside of our Sage Grouse Management Areas to help pay for Utah's Watershed Restoration Initiative. These new regulations have essentially brought much of the new economic activity in areas outside of Utah's SGMAs to a standstill. What this means is that funding from mitigation, sportsmen, and state tax revenues are being lost. This threatens the one program, (i.e. the Watershed Restoration Initiative) that is doing the most to protect and restore sage-grouse in the state of Utah.

Good intentions do not make good policy. My earnest petition is that Congress let the people who are impacted the most enact the policies needed to protect our families, and our communities. I am asking you to protect a program that is unrivaled in the Nation.

The success of our Watershed Restoration Initiative in restoring and protecting sage-grouse is one of the reasons why Utah's legislature passed a nearly unanimous bipartisan resolution in support of a bill introduced by Congressman Bishop to protect Utah's sage-grouse conservation efforts. Take action and pass legislation that



to protect the proven on-the-ground conservation programs that are working for sage-grouse, sage-grouse habitats, and hardworking Americans.

Thank you very much and I look forward to answering any questions that you may have.

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The CHAIRMAN. Thank you.  
Mr. Tubbs.

**STATEMENT OF JOHN TUBBS, DIRECTOR, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, HELENA, MONTANA**

Mr. TUBBS. Good morning, Mr. Chairman, Ranking Member Grijalva, and members of the Committee. My name is John Tubbs, and I am the Director of the Department of Natural Resources and Conservation and the Chairman of the Montana Sage Grouse Oversight Team. Thank you for the opportunity to provide Montana's perspective on how Congress and the Administration can effectively empower state management for the greater sage-grouse.

I have three main points today. First and foremost, the states have been and will continue to be empowered if Congress and the Administration recognize and support the long history of bipartisan state-led collaboration to conserve the greater sage-grouse across its range in the West.

States have served as the primary convener of diverse stakeholders for decades, and have been the primary drivers of policy initiatives, targeting sage-grouse conservation through the Western Association of Fish and Wildlife Agencies and the Western Governors' Association Sage Grouse Task Force. Congress and the Administration should continue to give deference to state leadership and should avoid actions that undermine years of collaborative efforts among our partners.

Montana finalized its most recent plan in 2015. It too is grounded in the work of diverse stakeholders, and continues with an all lands/all hands approach. Montana's plan aligns closely with Wyoming's plan, only with a greater emphasis on private lands, where most of Montana's best sage-grouse habitat occurs. It also has a broad bipartisan support of the Montana State Legislature.

Our stakeholders are directly engaged with our state program on a regular basis. They continue to express support for how the Federal plans and state plans work together in concert toward Montana's common shared goal of precluding the need to list the greater sage-grouse under the ESA, so that we maintain authority to manage our lands, our economy, and our wildlife.

Second, Congress and the Administration can empower states by avoiding policy changes that foster uncertainty and hold the potential to land sage-grouse on the Endangered Species Act list. The conclusion that the sage-grouse did not warrant listing in 2015 was predicated on the fact that Federal and state land use plans provide the certainty required to demonstrate that the threats would be reduced in approximately 90 percent of the breeding habitat and a majority of the occupied range.

These regulatory mechanisms did not exist in 2010, when it was determined that a listing was warranted. Congress and the

Administration should avoid changes that undermine the foundation of the 2015 not-warranted finding, and must consider how future risks of listing may disproportionately impact states.

Montana is concerned that the potential changes to Federal plans may erode the very underpinnings that were critical to achieving the conservation rangewide of sage-grouse, and that it was sufficient to avoid listing in 2015. State plans alone are not sufficient. Montana believes potential legal issues could arise from taking a hasty and narrow view toward changing Federal plans. A thoughtful analysis is needed to identify elements of Federal plans that were necessary to conserve habitat and that were relied upon by the Service when it concluded that the listing was not warranted. Any changes that would undercut the efficacy of the conservation measures to address threats and measured against the best-available science should make us pause to reconsider.

Finally, states can be supported by efforts to adaptively implement land use plans to address changing conditions, use new science, build consistency across ownerships with state conservation strategies. The Administration should use all available tools, including the issuance of guidance, instruction memoranda, training, and other strategies to build consistencies. The Administration must exercise due diligence, and consult with states prior to embarking on the costly, time-consuming plan amendments.

We spent 3 years developing those plans in Montana, engaging with our state BLM, multiple years working our state plan. We are in the process of implementing those plans, and believe that the next 3 years is most profitable, working together with our Federal partners toward the 2020 consistency review by the Service, as opposed to going back into plan amendment processes.

With that, thank you for your time today.

[The prepared statement of Mr. Tubbs follows:]

PREPARED STATEMENT OF JOHN TUBBS, STATE OF MONTANA, CHAIRMAN OF THE MONTANA SAGE GROUSE OVERSIGHT TEAM AND DIRECTOR OF MONTANA DEPARTMENT OF NATURAL RESOURCES

Good morning Chairman Bishop, Ranking Member Grijalva and members of the Committee. My name is John Tubbs and I serve as Chairman of the Montana Sage Grouse Oversight Team and Director of the Montana Department of Natural Resources and Conservation. Thank you for the opportunity to provide Montana's perspectives on how Congress and the Administration can most effectively empower state management for the greater sage-grouse.

I have three main points today.

First and foremost, states have been and will continue to be empowered best if Congress and the Administration recognize and support the long history of bipartisan, state-led collaboration to conserve greater sage-grouse across its range in the West. States have served as the primary convener of diverse stakeholders for decades and have been the primary drivers of policy initiatives targeting sage-grouse conservation through executive action and through the Western Association of Fish and Wildlife Agencies and the Western Governors' Association Sage Grouse Task Force. Congress and the Administration should continue to give deference to state leadership and should avoid actions that undermine years of collaborative efforts among our partners.

Second, Congress and the Administration can best empower states by avoiding policy changes that foster uncertainty and hold potential to land sage-grouse on the Endangered Species Act (ESA) list. The conclusion that sage-grouse did not warrant listing in 2015 was predicated on the fact that Federal and state land use plans provided the certainty required to demonstrate that threats would be reduced in approximately 90 percent of the breeding habitat and the majority of occupied range.

These regulatory mechanisms did not exist in 2010 when it was determined that listing was warranted. Congress and the Administration should avoid changes that undermine the foundation of the 2015 not warranted finding and must consider how future risk of a listing may disproportionately impact states.

Finally, states can be supported by efforts to adaptively implement land use plans to address changing conditions, use new science and build consistency across ownerships with state conservation strategies. The Administration should use all available tools including the issuance of guidance, instructional memoranda, trainings and other strategies to build consistency. The Administration must exercise due diligence and meaningfully consult with states prior to embarking on costly and time consuming plan amendments that may spark litigation or new petitions for an Endangered Species Act listing. Congress should avoid changes that limit the flexibility of Federal agencies to resolve conflicts when and where they occur under the Federal plans.

**1. States will continue to be empowered if Congress and the Administration recognize and support the long history of states' bipartisan collaboration to conserve greater sage-grouse**

Montana has a long history of bipartisan collaboration to conserve greater sage-grouse and their habitats. Montana sportsmen, resource managers, landowners and other conservation interests have been concerned about the status of sage-grouse as far back as the 1950s. Similar concerns across the West crystallized in a formal Memorandum of Understanding signed by Western Association of Fish and Wildlife Member Agencies and Federal natural resource management agencies in 2000. Each state committed to convene a work group and craft a plan.

Montana adopted its first formal Greater Sage Grouse Management Plan in 2005. It was the product of a diverse working group that included representatives of Federal and state agencies, tribal representatives, private organizations, and the public. The Plan charted a path to achieve long-term conservation and enhancement of sagebrush steppe that would support not only sage-grouse, but people and other wildlife. It created local working groups. As importantly, it provided for coordinated management across jurisdictional boundaries and development of community support to balance conservation with social, cultural, and community values.

New science, coupled with new or expanded potential threats to sage-grouse habitat and populations and litigation prompted Montana to update its original 2005 plan. Early in 2013, following efforts in Wyoming and other states, Governor Bullock issued Executive Order 2-2013 creating a diverse citizen-based advisory council. The council was directed to gather information, furnish advice, and provide recommendations for a state-wide strategy to preclude the need to list the greater sage-grouse under the ESA.

Private landowners, conservation groups, industry, and state and Federal partners worked together intensively for nearly a year. After extensive public comment and meetings around the state, the council finalized their recommendations. Governor Bullock issued Executive Order 10-2014 in 2014 based on their work.

Recognizing the value of proactive stewardship and conservation, in 2015 the Montana Legislature passed the Greater Sage Grouse Stewardship Act (Stewardship Act) by an overwhelming bipartisan majority, codifying many of the recommendations of the advisory council. The Legislature created the Montana Sage Grouse Oversight Team, which has met regularly since fall, 2015. Separately, the Montana Legislature appropriated funding to implement Montana's Sage Grouse Program and encourage voluntary conservation of private lands to address threats. In fact, Montana has committed \$10 million toward private land conservation. In partnership with others thus far, Montana will have protected 72,000 acres of private land from the threat of cultivation. Additional conservation measures have been implemented on private lands through Montana Fish, Wildlife & Parks.

Governor Bullock issued Executive Order 12-2015 later in 2015 to address additional program needs. Taken together, Executive Order 12-2015 and the Stewardship Act comprise Montana's Conservation Strategy (or State Plan). Montana's plan aligns closely with Wyoming's plan, only with a greater emphasis on private lands where most of Montana's best sage-grouse habitat occurs.

Montana has nearly 1,000 leks and an estimated 18 percent of the total greater sage-grouse population and nearly 20 percent of the rangewide habitat; however, about 78 percent of the occupied range is in state, tribal and private landownership. Only 22 percent of the occupied range is federally owned and managed in Montana.

Montana takes an "all lands/all hands" approach to sage-grouse conservation because private lands and state trust lands are intermingled with Federal lands in a checkerboard fashion. By working with private landowners, conservation groups, industry, and Federal agencies, Montana has found a path forward that conserves

working landscapes and that supports sage-grouse, other wildlife, agriculture, economic opportunities for industry, and outdoor recreation.

Diverse stakeholders have been at the table every step of the way in Montana. They lobbied extensively in support of the Stewardship Act in 2015 and continue to be directly engaged with Montana's Sage Grouse Program on a regular basis. Moreover, they continue to testify before the Montana Legislature and various interim committees to support Montana's sage-grouse conservation efforts to this day. They also express support for how the Federal plans and the State Plan work together and in concert toward Montana's common, shared goal: maintaining authority to manage our lands, our economy, and our wildlife.

Similar collaborative efforts occurred in other western states, and governors have led the way. Along with local citizens and Federal partners, states have forged a path that balances economic opportunity with conservation. States are committed to maintaining the state and Federal conservation efforts developed at the local level, which when taken together, will preclude the need to list sage-grouse under ESA across its range.

Meaningful consultation and coordination between states and the Federal Government has been a hallmark of this effort. Governors have consistently demanded that the Department of the Interior offer direct and meaningful consultation opportunities given states' track record, the commitments of our partners, and the leadership role and responsibility states have for managing wildlife. Those expectations have been the same, regardless of the administration.

Given decades of bipartisan work, Congress and the Administration must continue to stand behind and respect state efforts and avoid actions that unnecessarily polarize the collaborative work of our partners. States have consistently requested the Department of the Interior work hand in hand with the Western Governors Sage Grouse Task Force. Only the governors can speak for whether this consultation is adequate. Future policy actions must be developed in concert with the states—top down approaches from Washington, DC, whatever their intentions, must not be pursued under the guise of state empowerment.

## **2. States will continue to be empowered if Congress and the Administration avoid policy changes that foster uncertainty and hold potential to disproportionately impact individual states**

In 2010, the U.S. Fish and Wildlife Service (USFWS or Service) identified habitat loss, fragmentation, and the inadequacy of existing regulatory mechanisms to address threats as the key factors leading to the determination that ESA protections for the greater sage-grouse were warranted. Populations had been in decline for decades and some local populations had been extirpated.<sup>1</sup>

In September of 2015, the Service concluded that the primary threats were ameliorated by conservation efforts implemented by Federal, state, and private landowners. Regulatory mechanisms were adopted in three state plans and in the Federal land use plans, incorporating conservation principles identified by the scientific experts to substantially reduce risks through avoidance and minimization measures at a landscape scale.<sup>2</sup> These efforts were complimented by voluntary conservation efforts on private lands by individual landowners, the NRCS Sage Grouse Initiative, and Candidate Conservation Agreements with Assurances.

Along with Wyoming and Oregon, Montana is one of the three states that adopted affirmative regulatory mechanisms that addressed threats to sage-grouse. In contrast, other states adopted primarily voluntary state plans. Federal land use plans filled the gaps across the West through sage-grouse specific provisions and land use allocations. Federal land use plans provided the high degree of certainty required to demonstrate that threats would be reduced across approximately 90 percent of the breeding habitat and the majority of occupied range because common elements were included across the range which avoided and minimized disturbance in the remaining large priority blocks of habitat, while also providing management flexibility in areas that are less critical for conservation.<sup>3</sup> The Federal plans and state plans from Wyoming, Oregon, and Montana provide protective, regulatory mechanisms for the majority of the most important habitat for sage-grouse. All told, the Montana, Wyoming and Oregon plans provide assurances for over 56 million acres of occupied range on state, tribal and privately-owned lands.

<sup>1</sup> See 80 Fed. Reg. 59858, 59870 (Oct. 2, 2015).

<sup>2</sup> See 80 Fed. Reg. 59858, 59874–59882 (Oct. 2, 2015).

<sup>3</sup> See 80 Fed. Reg. 59858, 59874–59882, 59928, 59931, 59934 (Oct. 2, 2015).

The 2015 not warranted finding relies on the foundation of both the state and Federal plans. The regulatory nature of state plans from Wyoming, Oregon, and Montana provided the greatest degree of certainty in addressing threats on state and private lands and were complemented by other state plan efforts, and the voluntary work of NRCS with private landowners. The Federal plans provided new regulatory mechanisms on over half of the occupied sage-grouse range that did not exist in 2010 when listing was warranted and sage-grouse became a candidate for listing.<sup>4</sup> The new sage-grouse measures and land use allocations adequately addressed threats, and through common elements, conserved the most important habitats across the range of the species.<sup>5</sup> All states benefited from the Federal plans contributing to habitat conservation and threat abatement in consistent ways across the range, regardless of whether individual state plans were regulatory or voluntary. This is because the Service analyzed the adequacy of habitat conservation measures, threats, and the combined effect of state and Federal regulatory mechanisms at a landscape scale and rangewide.

Montana believes there are potential legal issues that could arise from taking a hasty and narrow view toward changing Federal plans. First, a thoughtful analysis is needed to identify elements of the Federal plans that were necessary to conserve habitat through avoidance and minimization measures in key habitats across the range and that were relied upon by the Service when it concluded that listing was not warranted in 2015. Any changes that would undercut the efficacy of conservation measures to address threats, as measured against the best available science, should give us pause to reconsider. Sage-grouse do not tolerate habitat loss and fragmentation very well, nor are they good pioneers. The science is unambiguous in that regard.

Second, the sum of changes within individual states must be analyzed when they are aggregated up to a landscape scale and across the range. If the aggregate of changes undercuts that which is necessary to address threats adequately and sustain sage-grouse into the future, then litigation is not only certain, but a listing is also likely. Here, Montana again stresses the need for due diligence and meaningful consultation prior to moving forward.

Montana is very concerned that potential changes to Federal plans may erode the very underpinnings that were critical to achieving conservation rangewide and that was sufficient to avoid a listing in 2015. State plans alone are not, and will not ever be, adequate.

Montana did however identify a number of areas where plans could be improved as part of our governor's consistency review. To date, those issues have been addressed through administrative arrangements not requiring plan amendment at the state level. Shortsighted, piecemeal changes to Federal plans (individually or collectively) would be a step back in time to the days when management was focused on administrative boundaries alone, not natural resources on a landscape scale. Piecemeal changes could impact and fragment larger blocks of known valuable habitat, and as a result, could lead to population declines and eventual listing. Montana would be disproportionately impacted by such a result.

Montana's most valuable sage-grouse habitats occur on private lands. In fact, 66 percent of Montana's sage-grouse habitat is privately owned. That's 21,582,000 acres. An additional 2.2 million acres of sage-grouse habitat is state trust land. All told, about 75 percent of Montana's sage-grouse live on private and state trust lands. For generations, Montana ranchers have knit together grazing opportunities on private, state, and Federal lands to sustain their families and the integrity of the land.

The impacts to private landowners and Montana's economy if sage-grouse were listed would be severe, in both regulatory and pragmatic ways. Montana's private landowners should not be forced to carry the burden for more than their fair share of the stewardship responsibility to preclude or respond to an ESA listing.

Habitat conservation for sage-grouse translates to habitat for big game. Montana has a deep tradition of hunting on both public and private lands. Big game hunting in Montana contributes \$324 million annually to the Montana economy. In counties that contain designated sage-grouse habitats, big game hunters spend over \$113.5 million annually when hunting Montana's checkerboard landscape.<sup>6</sup> For these 38 rural counties, hunter expenditures have significant and positive impacts on local economies. Montana's motto of "think habitat" applies equally to sage-grouse and

<sup>4</sup> See 80 Fed. Reg. 59858, 59873–59882, 59928 (Oct. 2, 2015).

<sup>5</sup> See 80 Fed. Reg. 59858, 59874–59882, 59928, 59931, 59934–59936 (Oct. 2, 2015).

<sup>6</sup> Montana Fish, Wildlife & Parks (2016); see <https://mtfwp.maps.arcgis.com/apps/Cascade/index.html?appid=0fa1de4222074cdeb7dbf0710ecb2ee0>.

big game. The state recognizes the synergies between sage-grouse conservation, maintaining working ranchlands, and supporting our hunting heritage.

Sagebrush habitats in the West support over 300 other wildlife species, any one of which could be in trouble and heading for the ESA emergency room. We have limited data for most of these species, but are confident that addressing threats to sage-grouse through habitat conservation will take care of them, too.

Congress and this Administration can empower states by fully funding Federal agencies to implement their missions and respective land management plans. The existing Federal plans account for the complexity of managing millions of acres at a landscape scale and endeavor to balance multiple use mandates with conservation. This work is expensive, but critical to sustaining future energy development and outdoor recreation over the long haul. Farm Bill conservation programs remain critical to sage-grouse conservation on working lands and must continue to receive adequate funding.

**3. States can be supported by efforts to adaptively implement land use plans to address changing conditions, use the best available science and build consistency across ownerships with state conservation strategies**

In July of 2015, Montana voiced a number of concerns regarding potential issues with the BLM sage-grouse plans in our governor's consistency review letter. We continue to see the need for improvement and consistency in some areas. However, we have also learned a lot in the first 2 years of implementing the state and Federal plans. Many issues flagged at the outset in 2015 have either not materialized or have not proven to be insurmountable. We have found ways to address them administratively and expect to find new ways in the future.

For example, Montana BLM now implements Montana's disturbance cap threshold of 5 percent. This has been or soon will be institutionalized through a new Instructional Memorandum from the BLM State Office. The state and Montana BLM now take the same analytic approach to range improvement projects. Going even further, conversations have already begun in Montana about increasing training and collaboration between BLM and livestock producers. This would ensure consistent and effective implementation of the plans while also providing needed flexibility for local managers to implement science-based management at the local site scale in an ecologically meaningful way that's appropriate for Montana habitats. It also provides certainty for ranching families. Federal land use plans were always expected to evolve based on changing needs and circumstances. We have already seen that in Montana, and we will continue to adapt and resolve issues locally in the future. A commitment to flexibly address conflicts when and where they occur is a cornerstone of Montana's Greater Sage Grouse Plan and has proven to be a tenant that has been supported by our Federal agency partners.

Nonetheless, there are areas where alignment could still be improved. But it is equally important that we analyze and exhaust the full range of administrative tools to address inconsistencies and resolve conflicts before resorting to lengthy, costly plan amendments under NEPA. Once more, it is equally important that we ensure that any new proposed changes to the Federal sage-grouse plans not create further inconsistencies with state policy. Top down policy from Washington, DC holds potential to further exacerbate the inconsistencies with state and Federal efforts rather than resolve them.

Montana believes the most efficient approach to address concerns is to look at the full spectrum of tools, ranging from public outreach to staff training, instructional memoranda at the national and state levels, and maintenance actions to existing plans. In short, we can best move forward by refining the existing plans. It is imperative that we avoid prolonged and unnecessary work that would unravel the foundation of the 2015 "not warranted" finding to the point that we all risk a result we worked so hard to avoid. Adaptive implementation of the plans can reduce uncertainty for our partners, industry, and working ranch families who take care of the land and the wildlife on our behalf and can help address inconsistencies efficiently. While properly vetted, limited plan amendments may be needed to address concerns over time, Montana believes most conflicts can be addressed in the near term through other means.

Thank you for the opportunity to share Montana's perspective. We look forward to continuing our work with Congress and the Administration to improve certainty, address inconsistencies with state policy through adaptive actions, and support the collaboration among diverse partners that resulted in the 2015 not warranted finding.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. GRIJALVA TO MR. JOHN TUBBS,  
DIRECTOR OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

*Question 1. Wildfire is a concern throughout greater sage-grouse habitat. Secretary Jewell issued Secretary Order 3336 in 2015 to address this concern and develop, in partnership with Federal and state agencies, working guidelines and plans that break the cycle of spreading invasive, non-native grasses after wildfires. In 2016, Jewell's Interior Department issued the Integrated Rangeland Fire Management Strategy Actionable Science Plan. Do you believe Secretary Jewell's response was timely and appropriate? Do you believe it would be wise to stick with this approach rather than roll it back or substitute range management that is not based on sound science? Can you discuss these wildfire planning efforts and what is being done across the West to restore the sagebrush ecosystem?*

Answer. Yes. The Integrated Rangeland Fire Management Strategy (Strategy) and the Integrated Rangeland Fire Management Strategy Actionable Science Plan (Science Plan) represent affirmative actions that can be taken by local, state, and Federal agencies to address wildfire, which is a primary threat to sagebrush ecosystems. The threat of habitat loss and fragmentation due to wildfire is particularly acute and serious in the Great Basin.

Development of both the Strategy and the Science Plan was timely, appropriate, and essential to the U.S. Fish and Wildlife Service (USFWS) 2015 determination that listing the Greater Sage Grouse (GRSG) was not warranted.<sup>1</sup> Without these documents, there would be little, if any, coordinated and dedicated approach to addressing the significant and stochastic wildfire threat that evades all state and Federal regulatory mechanisms. Ongoing implementation and adaptive refinement should continue in the future. The Strategy is proactive and has utility throughout the West, not just states with greater sage-grouse populations.

Wildfire kills sagebrush and results in the direct loss of sagebrush habitat upon which GRSG depend. In 2010, the USFWS identified wildfire as one of the primary factors linked to GRSG declines due to the long-term loss of sagebrush and conversion of sagebrush steppe habitats to invasive annual grasses such as cheatgrass. At that time, USFWS determined that GRSG warranted listing under the Endangered Species Act.

Fire intensity and frequency had been increasing due to the establishment of a positive feedback loop between increasing wildfires, elimination of sagebrush, and subsequent invasion and establishment of cheatgrass—which itself acts as a fine fire fuel leading to increased fire intensity and frequency and further precluding re-establishment of sagebrush. Development of the Strategy and Science Plan was in direct response to the 2010 finding, which identified the lack of *any* integrated fire strategy and concluded that gaps in scientific knowledge were problematic.

The USFWS relied on the Strategy and Science Plan documents, as well as their implementation, when analyzing the threat of habitat loss and fragmentation due to wildfire in order to reach its conclusion that listing was not warranted in 2015.

Addressing the threat of wildfire and annual invasive grasses is vital to long-term GRSG conservation. This is clearly set forth in the USFWS administrative record going back at least 10 to 15 years. The negative impacts of fire on GRSG and its sagebrush habitat are also long supported in the scientific, peer-reviewed literature.

For example, in the absence of the Strategy and Science Plan and under the current burn rates, about 17–25 percent of GRSG range within the Great Basin could be impacted in the next 20–30 years. Without affirmatively managing wildfire response and restoration, wildfire and invasive plants could cause GRSG abundance to decline by 43 percent over the next 30 years.<sup>2</sup> This has important implications for long-term conservation of the species over a significant portion of its range.

The Strategy outlined a long-term approach to better prevent and suppress wildfire through improved efficiency and efficacy of response and restoration of fire-impacted areas. Even while maintaining the safety of firefighters and preserving the efficiency of operations, the Strategy prioritized the protection, conservation, and restoration of the sagebrush steppe ecosystems particularly for GRSG.

Quite simply, states and Federal agencies share a common goal to reduce the size, severity and cost of rangeland wildfires. The Strategy concluded that a coordinated, science-based adaptive management approach was needed. One of the action items specifically called for enhancing the capability, capacity, and utilization of non-Federal wildlife fire assets and organizations so that local communities were in a better position to provide local protection. Rural Fire Protection Associations were

<sup>1</sup> See 80 Fed. Reg. 59858, 59906–59908 (Oct. 2, 2015).

<sup>2</sup> See 80 Fed. Reg. 59858, 59900 (Oct. 2, 2015).

specifically mentioned. The Strategy also called for a coordinated approach to positioning fire-management resources to improve fire response and post-fire restoration actions.

The Strategy also identified the need for and recommended development of an actionable science plan to improve knowledge, reduce uncertainty and provide better tools for local communities, livestock grazing permittees, and on-the-ground fire and natural resource managers.

The Science Plan was completed in 2016. It was developed by a multi-disciplinary team comprised of state and Federal experts in their respective fields. The document: (1) prioritizes research needs to fill current knowledge gaps; (2) connects scientists with fire and natural resource managers so managers can make informed decisions and achieve management objectives; and (3) creates a process to fund the needed science, implement research, and communicate results.

Specifically, the Science Plan prioritized a total of 37 science needs—areas where more research is needed: 8 are specific to fire; 6 are specific to invasives; 10 are related to restoration; 9 are specific to sagebrush and GRSG; and 4 that are related to climate and weather. A key emphasis of the Science Plan is to get information and tools to on-the-ground fire and land managers so they can make better decisions and achieve better outcomes with, and on behalf of, local communities. One example where new science has direct application to management is a recent study that found that annual wildfire risk across the Great Basin can be modeled and predicted based on precipitation patterns alone (e.g. consecutive wet years followed by consecutive dry years). This information can be applied ahead of each fire season to adjust wildfire preparedness or plan fuel treatments as appropriate.<sup>3</sup>

With respect to invasives, annual exotic grasses like cheatgrass are more prevalent in the Great Basin than the Rocky Mountain States.<sup>4</sup> Absent cheatgrass, many sagebrush ecosystems have experienced frequent fire return intervals but exhibited resilience to mixed-severity fires common across the West. Range management through livestock grazing alone, even if it were infallible, will not be sufficient to address habitat loss and fragmentation due to wildfire at the necessary scale. Wildfire risk is compounded by unfavorable soil and moisture regimes regionally, due to low resistance to fire in the first instance, as well as by growing conditions at localized scales in any given year. In addition to well-managed grazing practices, eradication of invasives such as cheatgrass and restoration of native species is required to foster resilience to changing conditions.

An estimated 2,070,451 acres of GRSG burned in 2017 across the 11 western states. In Nevada alone, approximately 965,567 acres burned. The total number of acres burned rangewide in 2017 is up substantially from 2016 (626,268 acres) and 2015 (562,734 acres). It unrealistic to think that grazing regimes can effectively reverse soil moisture patterns, improve resistance to fire, and align weather and climatic trends to neutralize the fact that large portions of GRSG range is already predisposed to significant wildfire, particularly in the Great Basin.

About 54 percent of GRSG breeding habitat in substantial portions of Nevada and Utah is classified as having a low resistance to wildfire and invasion by exotic species. Range management at that scale is not commensurate with the response necessary to truly address the threat of more frequent and intense wildfire.

Ameliorating the risk of habitat loss and fragmentation due to wildfire at the scale necessary to ensure that listing is never warranted requires a more direct, concerted approach—like the Strategy and the Science Plan. Continued implementation of both the Strategy and the Science Plan is needed to reduce future losses of sagebrush habitats, successfully restore that which does burn, and to break the cheatgrass invasion-wildfire cycle. To be successful at addressing the primary threat of wildfire, managers need to make scientifically informed decisions. These documents are scientifically sound.

Last, the Western Governors' Association (WGA) National Forest and Rangeland Management Initiative was launched in July 2016 under Montana Governor Steve Bullock's tenure as Chair. This Initiative will ultimately lead to valuable administrative and legislative recommendations for improving forest and rangeland management. The goals of the initiative are to:

- Examine existing forest and rangeland management authorities and programs to determine their strengths and weaknesses;

<sup>3</sup>See Pilliod, D.S., Welty, J.L. and Arkle, R.S. 2017. Refining the cheatgrass-fire cycle in the Great Basin: precipitation timing and fine fuel composition predict wildfire trends. *Ecology and Evolution*, 1–26.

<sup>4</sup>See 80 Fed. Reg. 59858, 59898–59900 (Oct. 2, 2015).



- Perform a detailed investigation of the role of collaboratives in landscape restoration;
- Create a mechanism for states and land managers to share best practices, case studies, and policy options for forest and rangeland management; and
- Recommend improved forest and rangeland management authorities and encourage more effective collaboration.

A Report was issued in June of 2017.<sup>5</sup> Based upon the input from state and Federal land managers, private landowners, local governments, businesses and non-governmental organizations, WGA sought to identify best practices and offer recommendations that put western states on a path toward healthier, more resilient ecosystems, while continuing to support diverse economic opportunities for western communities. The Report's findings and recommendations speak to many of the same themes raised in the Strategy document: the need for improved collaboration and coordination with respect to regional land management challenges and opportunities for restoration. The Report also calls for the application of the best available science. The Science Plan charts a path to fill important knowledge gaps.

During the Initiative's second year, Western Governors will be primarily focused on the implementation of recommendations in the First Year Report, within their own states, collaboratively through WGA and with the U.S. Congress. Opportunities to further refine the Integrated Rangeland Fire Management Strategy and the Actionable Science Plan may be identified.

*Question 2. A 2013 study conducted by scientists at Oregon State University and published in the Journal of Applied Ecology found that "cattle grazing reduces invasion resistance [to cheatgrass]" and "exacerbates [cheatgrass] dominance in one of North America's most endangered ecosystems"—the sagebrush steppe. In light of that fact, do you agree with other witnesses that increased grazing is the best way to reduce cheatgrass invasions and wildfire potential?*

Answer. No. Historically speaking, improper grazing and severe drought affected the sagebrush ecosystem and GRSG habitat across the West. Grazing that was inconsistent with local ecological conditions, coupled with other disturbance pressures reduced the vigor of native rangeland plants and resistance to invasion by exotic annual species like cheatgrass. Long-term changes in plant communities and soils resulted so that exotic annual grasses like cheatgrass flourished. These shifts permanently changed the ecological trajectory of rangelands that were historically overgrazed because thresholds of recovery by native perennial species were crossed. The entire plant community structure shifted. Now, these areas are more prone to wildfire, as discussed above.

Carefully prescribed livestock grazing in the spring or late fall may be effective in controlling cheatgrass in small, localized areas. This is in combination with other methods of control. The goal is to prevent cheatgrass from producing seeds while at the same time not impacting desirable native perennial vegetation through overgrazing. Preventing seed production should reduce the number of seeds in the soil overall, as seeds only remain viable for about 2 to 3 years. Also, maintaining the vigor of desirable perennial species and preventing soil disturbance helps prevent cheatgrass invasion and expansion.

However, a blanket increase in grazing is not the best way to reduce cheatgrass invasions and potential for wildfire. This is because cheatgrass is only palatable as livestock forage during the early spring green-up period, not season long. After a certain point in the growing season, it is no longer suitable for livestock grazing and livestock may then overgraze desirable species. Once grazed, cheatgrass' residual growth (from early spring through to when seeds are set and the plant cures) will eventually become the fine fuel which carries wildfire.

The upshot is that cheatgrass is not palatable forage for a long enough period of time, nor can it be grazed intensively enough to actually reduce the frequency of fire, its intensity, or its behavior. Quite the opposite is true. Cheatgrass thrives in disturbance. The greater the disturbance, the more it thrives. The relationship between fire frequency, intensity, and behavior and cheatgrass cannot be explained alone, nor will it be strongly influenced by, livestock grazing at the scales necessary for conservation of sagebrush landscapes and GRSG. As noted above, as cheatgrass abundance increases, wildfires become more frequent and more intense. Native perennial rangeland plant species are lost eventually, leaving a near monoculture of cheatgrass, ripe for recurring wildfires.

<sup>5</sup>See Special Report: Western Governors' National Forest and Rangeland Management Initiative. June 2017 (available at: <http://westgov.org/reports/national-forest-and-rangeland-management-initiative-special-report>).

Rather than a blanket increase in grazing, most rangeland management and noxious weed professionals recommend targeted grazing to avoid negative impacts to livestock performance and range conditions and further recommend that targeted grazing be complemented with an integrated strategy for invasive control and restoration. Careful, targeted grazing is one tool among many that may help reduce the impacts of invasive species and wildfire.

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The CHAIRMAN. Thank you. Now Mr. Goicoechea, who is not only a Commission Chairman, but also, I think, Chairman of the Ecosystem Council in Nevada.

You are recognized for 5 minutes.

**STATEMENT OF THE HON. J.J. GOICOECHEA, DVM, CHAIRMAN,  
BOARD OF EUREKA COUNTY COMMISSIONERS, EUREKA,  
NEVADA**

Dr. GOICOECHEA. Chairman Bishop, Ranking Member Grijalva, and members of the Committee, my name is Dr. J.J. Goicoechea, and I am a fourth-generation cattle producer from Eureka, Nevada. I am the current Vice Chair of the National Cattlemen's Beef Association Federal Lands Committee, and the Chairman of the Eureka County Board of County Commissioners. It is a pleasure to testify before you today regarding empowering state-based management for the greater sage-grouse.

A fundamental question before us today is what is being done today at local and state levels that benefits the recovery of the greater sage-grouse. It should be no surprise that western states are actively implementing plans within their respective borders that are having positive impacts on habitats.

In 2013, Nevada took a major step in providing for the management and recovery of the greater sage-grouse. The creation of the Nevada Sagebrush Ecosystem Council by the Nevada Legislature during that session demonstrated Nevada's commitment to the long-term management of the sagebrush ecosystem and the species that rely upon it. These species include the multiple-use industries dependent upon those same ecosystems for their survival.

Nevada, like most other western states, developed a state-specific plan for the conservation of the greater sage-grouse. It contained state-specific goals and objectives, and was intended to be the preferred alternative for the 2015 Nevada, Northeastern California land use plan amendment. Instead, a broader cookie-cutter approach was taken by the Federal agencies. In an attempt to find consistency in the West, the Department of the Interior greatly overlooked the fact that no two states are exactly alike, no two states have the exact same threats and impacts.

The arbitrary designation of millions of acres of sagebrush focal areas and further restricting the very activities that made these areas the best of the best is an example of over-reach and a top-down approach to management that has failed in the past, and will only harm populations of sage-grouse if left in place.

Similar to my counterparts, the major threats in Nevada to the greater sage-grouse are fire and invasive species. Nevada is working diligently with the BLM in an attempt to limit the size and severity of wildfires in our state, and to better manage invasive

species. But we continue to encounter hurdles as we work to decrease invasive annual grass.

The vast majority of these hurdles at the district office level arise from the 2015 LUPAs, including the habitat objectives contained in Table 2.2. This table, while perhaps ideally what sage-grouse would like to have for habitat, is being used as nothing more than a tool to further limit multiple use on Federal lands, and in the process is allowing for fuel loading and the continued spread of invasive species.

This last summer, a prime example of this occurred in Nevada. A ranching operation asked for a period of time to leave their cattle on beyond their permit, due to an increased fuel load from two back-to-back record winners. The request was denied, the cattle were moved, and on July 9 at 4:00 p.m. in the afternoon the Rooster Comb Fire ignited. Before it was contained, 220,000 acres of sage-grouse habitat had burned in Elko, Lander, and Eureka Counties.

While the birds in that area of the Rooster Comb Fire may have ideally wanted 7 inches of deep-rooted perennials and 25 percent forb cover, today they have 220,000 acres of zero cover, no perennial plants, and another attempt to restore burned habitat begins with the issuance of livestock grazing closures for that area.

As you can see from my written testimony, Nevada is clearly aware of the threats to our state. We are committed to helping our Federal land management partners, and we have the statutory authority within the Sage Brush Ecosystem Council to coordinate with Federal agencies. The creation of the Nevada State Plan was an example of collaboration and coordination among all groups.

If there is still a perception that there is a lack of regulatory mechanism in place for protecting the greater sage-grouse, let me say it is not a lack of regulatory mechanisms, it is the wrong regulatory mechanisms. Why don't we listen to state and local officials that implement plans that were developed at the ground level?

The top-down approach has squeezed public land industries, all while continuing to lose sensitive habitats and imperil wildlife species. If the true goal is conservation, put it back in the hands of those closest to the land. If the goal instead is to remove economic drivers from rural communities and there is no desire to protect habitats, then we can continue on the path that we are on.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Goicoechea follows:]

PREPARED STATEMENT OF JULIAN JOSEPH (J.J.) GOICOECHEA ON BEHALF OF PUBLIC LANDS COUNCIL, NEVADA CATTLEMEN'S ASSOCIATION, AND EUREKA COUNTY NEVADA

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee, my name is J.J. Goicoechea and I am a fourth generation cattle producer from Eureka, Nevada. I am a past president of the Nevada Cattlemen's Association and currently serve on the Executive Committee for that organization and I am the current Vice-Chair of the National Cattlemen's Beef Association Federal Lands Committee. In addition, I am in my second term as a Eureka County Nevada Commissioner and currently serve as chairman of the board. In 2013 I was appointed to represent Local Government on the Nevada Sagebrush Ecosystem Council and last year I was reappointed to a second term. I have been honored to serve as the chairman of the SEC since its creation. It is a pleasure to testify before you today regarding empowering state based management for the greater sage-grouse.

A fundamental question before us today is what is being done at the local and state levels now that benefits the “recovery” of the greater sage-grouse. It should be no surprise that western states are actively implementing plans within their respective states that are having positive impacts on habitats. In 2013, Nevada took a major step in providing for the management and recovery of the greater sage-grouse. The creation of the Nevada Sagebrush Ecosystem Council by the Nevada Legislature during the 2013 regular session demonstrated Nevada’s commitment to the long-term management of the sagebrush ecosystem and the species that rely upon it. These species include the multi-use industries that rely upon this same ecosystem for their survival. Nevada Revised Statute 232.162, the chapter establishing the Nevada Sagebrush Ecosystem Council, reads in part;

*7. The Council shall:*

*(a) Consider the best science available in its determinations regarding and conservation of the greater sage grouse (Centrocercus urophasianus) and sagebrush ecosystems in this State;*

*(b) Establish and carry out strategies for:*

*(1) The conservation of the greater sage grouse and sagebrush ecosystems in this State;*

*(h) Coordinate and facilitate discussion among persons, federal and state agencies, and local government concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse;*

Nevada, much like most other western states, developed a State Plan for the conservation of the greater sage-grouse. This plan, entitled the 2014 Nevada Greater Sage Grouse Conservation Plan was adopted October 1, 2014 and updated April and May of 2015. The Nevada plan contains specific goals and objectives for Nevada. It also identified **state specific** threats to the greater sage-grouse and the sagebrush ecosystem. The Nevada plan was intended to be the preferred alternative in the 2015 Nevada and Northeastern California Land Use Plan Amendment by the Bureau of Land Management. Instead, a broader cookie cutter approach was taken by the Federal agencies. In an attempt to find “consistency” in the West, the Department of the Interior greatly overlooked the fact that no two states are exactly alike, no two states have the exact same threats and impacts. Even within states, the threats vary among geography location, elevation, and land management agencies, etc. In addition, many habitats and populations of sage-grouse are stable. A robust plan should include the protection of these areas and birds in addition to providing lift to others in need. The arbitrary designation of millions of acres as Sagebrush Focal Areas and further restricting the very activities that made these areas the best of best is an example of over-reach and a top down approach to management that has failed in the past and will only harm populations of sage-grouse if left in place. At no time did the state of Nevada endorse or advocate for a special land designation. The Sagebrush Ecosystem Council recognizes the importance of quality habitat and is ultimately responsible for its protection and enhancement. Restricting activities lessens the value of credits created in Nevada’s Conservation Credit System and actually deters enrollment in protective actions that would benefit the sage-grouse for generations.

Nevada can’t carry out our own legislatively mandated management of sage-grouse and habitat in our state because the Federal agencies elected to once again take a heavy handed top down approach to management. Wildlife is the responsibility of the state in which they reside. If a species is not on the Endangered Species List, it should be the state making decisions for the species.

The major threats to the GS in Nevada are fire and invasive species that often invade the ecosystem after fire. Nevada is working diligently with the BLM in an attempt to limit the size and severity of wildland fires in our state and to better manage invasive species. We continue to encounter hurdles as we work to decrease fuel loading invasive annual grass seed loads. The vast majority of these hurdles at the District Office level arise from the 2015 LUPAs. Habitat objectives for the GS included in the LUPAs are a recipe for disaster when considering their impacts on fire behavior. Grazing allotments in SG habitat need to meet the objectives contained in Table 2.2. This table, while perhaps ideally what SG would like to have for habitat is nothing more than a tool to further limit multiple use on Federal lands, and in the process allow for fuel loading and the continues spread of invasive species. How can the driest state in the Nation address its top threat to SG, fire, when a table being used by BLM employees to manage lands is defining habitat as having a minimum of 7 inches of droop height. When managing for a native deep rooted perineal plant to have 7 inches of height in the summer months, what do you think we are also managing for?

It is no secret that cheatgrass is the Number one invasive plant threat in Nevada today. Cheatgrass greens up early, ahead of native perineal plants and takes the nutrients and water from the soil before the native plants growing season. As we wait idly by with our rulers and yard sticks, hoping the native grasses get to 7 inches, hoping we maintain a canopy cover of shrubs for nesting, we are allowing gasoline to grow unchecked. By June, the cheatgrass is over a foot tall in places, it is cured, meaning seed heads have developed, it is no longer palatable to animals and it waves in the wind waiting for a spark. When the spark comes, Nevada's Number one threat to sage-grouse and sage-grouse habitat once again devastates the ecosystem. Fires of 200,000 acres plus gobble up islands of previously unburned habitat and annihilate restoration efforts in old burn scars. We are seeing the same areas burn again and again. What is the first step taken when this happens? Remove the one tool that could have prevented severity of the fires in the first place, grazing.

This last summer a prime example of this occurred in Nevada. Late spring a ranching operation asked the BLM if they could stay on an allotment for a few more weeks beyond the permit. The reason for this was that a large buildup of fuel due to two back to back record winters was being seen. The ranching operation knew this fuel loading was going to be an issue and they had livestock there and were willing to make changes in order to help. The answer from the agency was no. The fear of litigation by doing something outside a set a sideboards drives decisions like this daily. So despite repeated requests to stay longer and reduce fuel, the livestock were moved. The Rooster Comb Fire ignited on Sunday, July 9 at 4:00 p.m. Before it was contained, it burned nearly 220,000 acres of sage-grouse habitat.

Now large fires were not unusual this summer, but this fire was the result of repeated attempts to rehabilitate an area that has burned numerous times over the past few decades. Livestock grazing had been excluded from the area during recent rehabilitation efforts and this year grazing was allowed, but as mentioned above, not effectively to help alleviate the Number one threat to sage-grouse in Nevada. So while the birds in the area of the Rooster Comb Fire may very well have ideally wanted 7 inches of deep rooted perineal plants across the landscape with at least 25 percent shrub cover, they now have 220,000 acres of zero cover, no perineal plants, and another attempt to restore burned habitat begins with the issuance of a livestock grazing closure decision for the area.

The Nevada State Plan under the threat of Wildfire and Invasive Species lists Objective 1.1: *Reduce the amount of sage-grouse habitat loss due to large acreage wildfires and invasion or potential domination by non-native plants.*

#### *Pre-suppression*

*In order to address the threat of fire and invasive plants, which continues to challenge land managers throughout the western United States, the State proposes a paradigm shift. This entails a shift in focus from the current suppression-centric approach to a more nuanced, cost effective and proactive approach focusing on pre-suppression activities;*

The second significant threat to sage-grouse habitat in Nevada is Pinion Juniper Encroachment. This is a threat isolated to the Great Basin for the most part. In the Nevada Plan, our state lays out objectives and actions to tackle the continued spread of Pinion Juniper into our sagebrush ecosystems. To date thousands of acres of invasive Pinion Juniper have been removed from predominately private property. The red tape associated with getting NEPA done on public lands once again is limiting how effective treatments can actually be. The west slope of the Diamond Mountains looks like a patchwork quilt with nearly every acre of private property treated for Pinion Juniper and vast expanses of public lands remaining untreated. We need to keep in mind that sage-grouse will not use habitat that has over 4 percent pinion juniper on it per some reports. While private property owners continue to leverage grants and expend private dollars to match, and even create leks in some cases, to have meaningful watershed wide improvement, we need the Federal agencies to remove the red tape, come to the table with state and local officials, and spend dollars on meaningful projects to better habitat, slow fire spread, decrease fire intensity, and bolster our rural economies.

As you can see, Nevada is clearly aware of the threats to our state, we are clearly committed to helping our Federal land management partners and we have the statutory authority within the Sagebrush Ecosystem Council to coordinate with Federal and state agencies. The creation of the Nevada State Plan was an example of collaboration and coordination among all groups. The nine (9) voting members representing conservation and environmental issues, the Board of Wildlife Commissioners, local government, Native American tribes, mining, energy,

agriculture, general public and ranching consulted with and considered input by ex-officio members of the council. The ex-officio members were the State Directors of BLM, United States Fish and Wildlife and Natural Resource Conservation Service, the State Supervisor for the Humboldt Toiyabe National Forest, the Directors of Nevada Department of Wildlife, Nevada Department of Agriculture, and Nevada Department of Conservation and Natural Resources. Hundreds of hours of public comment was accepted and a balanced plan was created that will protect the greater sage-grouse, its habitats, all the while preserving the economies of rural Nevada.

If there is still a perception that there is a "lack of regulatory mechanisms" in place for protecting the greater sage-grouse, I will state as I have in numerous public meetings, it isn't a lack of regulatory mechanisms it's the wrong regulatory mechanisms. Insanity is doing the same thing over and over and expecting a different outcome. Why don't we listen to state and local officials and implement plans that were developed at the ground level? The top down approach has continued to squeeze public land industries all while continuing to lose sensitive habitats and imperil wildlife species. If the true goal is conservations, put it back in the hands of those closest to the land. If the goal instead is to remove economic drivers from rural communities with no desire to protect habitats, then continue on the path we are on. We have a tremendous head start at that.

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The CHAIRMAN. Thank you, Doctor, I appreciate that.

OK, now we start with questions from the Committee. I remind you that it is under the 5-minute rule, as well.

I am going to go last, so I will recognize Mr. Lamborn for the first questions.

Mr. LAMBORN. I hope I have the right microphone. And this is a beautiful room; I am glad it was refinished.

Mr. Chairman, thank you for having this hearing and for your leadership and your legislation on this important issue.

Dr. Goicoechea, some claim that the Bureau of Land Management and Forest Service's 1998 Land Use Planning Amendments were adopted with strong state and local support. Is that actually the case?

Dr. GOICOECHEA. Thank you, Mr. Chairman and Congressman. There was coordination and cooperation, if you will. But those have become buzz words. We need to stop checking the box, we need to stop holding meetings to say that we are coordinating and cooperating with local and state agencies, and we need to get down to actually using what they presented.

While they did take input, I think you can see from the final documents that they were not seriously considered. Again, they wanted uniformity across the West, they took bits and pieces, but they did not use the state-specific or local-specific recommendations, as they should have under FLPMA.

Mr. LAMBORN. OK, thank you. And then for you, or Mr. Bird, or Mr. Bedke, or all three of you, my home state of Colorado has spent more than \$10 million, set aside 130,000 acres for habitat, and is developing a mitigation marketplace, all for protecting the sage-grouse.

Some people have expressed fears to me that Secretary Zinke's recent order, S.O. 3353, will somehow make the sage-grouse more likely to be listed as threatened or endangered, thus negating the commendable efforts of states like Colorado and your states. Are those fears surrounding Secretarial Order 3353 well founded?

Mr. BEDKE. Mr. Chairman, Congressman, I don't think those fears are very well-founded at all. And while I don't know the specifics of the Colorado plan, I do know the specifics of the Idaho

plan. The Idaho plan came about as a direct result of then-Secretary Salazar coming to Idaho, asking us to put together all of the stakeholders, and coming to a consensus-based sage-grouse plan, one that worked for Idaho. I am assuming a similar process happened in Colorado.

This plan went on to be blessed by the U.S. Fish and Wildlife Service. Again, all under the Obama administration and then-Secretary Salazar. It became the preferred alternative with the BLM.

Yet, then there was a change at the Secretarial level, and all of our plans went out the window. Overlaid on top of them were all of these withdrawals, some of which are encompassed in Secretary Zinke's removal. Everything that they are worried about was stuff that was on top of already federally approved state management plans. So, they went over and above, at least in our case, and that is where the rub is.

We reached consensus in Idaho with this broad group. All of the stakeholders were in the room from Day 1 until the very end, and we did not quit until we had consensus. As a result, again, it was blessed by the U.S. Fish and Wildlife Service, it was a co-preferred plan from BLM, and then it was jettisoned.

Mr. LAMBORN. Mr. Bird?

Mr. Goicoechea?

Dr. GOICOECHEA. Thank you. Secretarial Order 3353 did dive down in and take a look at some of these inconsistencies and asked for those to be brought back to the Secretary of the Interior. I think it is critical that we recognize we need to collect the data from these states that shows that we are protecting habitat, and what the bird populations are doing.

We will need that data for the 2020 data call, when the U.S. Fish and Wildlife Service again decides on the status of the greater sage-grouse. And much like Idaho, Nevada's plan was, in fact, endorsed by the U.S. Fish and Wildlife Service and our state director was an active participant in the Sage Brush Ecosystem Council at every meeting and helped us construct that plan to what their wants and desires were for the bird.

Mr. LAMBORN. Thank you all for being here.

Mr. Chairman, I yield back.

The CHAIRMAN. Mr. Grijalva.

OK, Ms. Tsongas.

Ms. TSONGAS. Thank you, Mr. Chairman. More than 2 years ago, the Department of the Interior announced that, thanks to unprecedented, proactive partnerships between our Federal land management agencies, 11 western states which you represent in part today, sportsmen, ranchers, farmers, and conservationists, the greater sage-grouse does not need protections under the Endangered Species Act.

This very significant achievement was possible thanks to years of on-the-ground collaborations and Federal land management plans that conserve sagebrush habitat, while simultaneously providing predictability for economic development, something we all care about.

The Federal land management plans are based on plans developed by each state, not one-size-fits-all, but individual plans to suit

each state's individual needs. And it was these very partnerships that made it possible for the Fish and Wildlife Service to conclude in 2015 that the greater sage-grouse does not need to be listed as endangered or threatened under the Endangered Species Act.

The Trump administration's effort to overturn the Federal land management plans, I believe, is putting all of these efforts at risk, creating uncertainty for those working on the ground to conserve this iconic species and its habitat, and increasing the likelihood that the species will need to be listed under the Endangered Species Act, something we all want to avoid.

Mr. Tubbs, thank you for being here. You mentioned in your written testimony that Montana has a motto of "Think Habitat." Why is focusing on habitat the best way to approach conservation of the sage-grouse?

Mr. TUBBS. Mr. Chairman, thank you, Congressman. What we do know about sage-grouse, especially in Montana, since that is where I come from, is if you have quality habitat, the birds will survive. Populations will go up and down over years. The trend had been down. We are improving, most recently. But if you have good-quality habitat, you can assure that the population will remain and grow into the future.

The biggest threat in Montana, as opposed to the prior testimony, is fragmentation of that habitat, not fire.

Ms. TSONGAS. So, then, what would your thoughts be on some of the sort of proposed alternatives to habitat-focused conservation, such as setting specific population targets or running a sage-grouse captive breeding program? What are your thoughts about those possible alternatives?

Mr. TUBBS. Mr. Chairman, Congresswoman, while we certainly track population of sage-grouse, and also do lek counts every year, the populations vary year to year. One wet spring snowfall at the wrong time, and your brood will die and will lose all the population of that year, or a lot of it. Then it will take several years to rebound. So, any one given year is concerning to us, because we might fall into ESA restrictions because of a bad spring.

Instead, we think that quality habitat is a better measure.

Excuse me, what was the second part of the question?

Ms. TSONGAS. The second part was captive breeding programs.

Mr. TUBBS. Captive breeding? Captive breeding, and you can read all the literature, is not a useful tool in sage-grouse conservation. It has not been successful, and is limited to remnant populations. I do know Alberta is trying it, but again, it is a very small, marginal tool.

Ms. TSONGAS. One of the things I have become aware of in Montana, you have the significant challenge of having 78 percent of the state sage-grouse habitat spread across state, tribal, and private lands. But despite that, you have been able to create the all lands/all hands approach, as you call it, bringing all these diverse stakeholders to the table.

What keeps these partnerships together at a time when the Trump administration is seeking to upend the existing plans? What holds you all together?

Mr. TUBBS. Mr. Chairman, Congresswoman, we have actively kept the coalition together. Our plan is not a static plan. We are



implementing it now with those stakeholders. And we have an Audubon to land trust to oil and gas industry and coal industry at the table. We have a common motivation: to conserve the bird and make sure that Montana has an economy. With those two goals, we are working together quite well.

Ultimately, maybe plan amendments will be needed, but right now let's do implementation.

Ms. TSONGAS. Thank you for your testimony. It sounds to me like the existing framework established by the states focused on habitat protection and restoration is certainly working in Montana, and is the best chance we have of protecting the species from extinction or being listed under the Endangered Species Act. Thank you.

The CHAIRMAN. Mr. Wittman.

Dr. WITTMAN. Thank you, Mr. Chairman. I would like to thank our panelists for joining us today.

This is a great opportunity to recognize the importance of state management plans and the critical role that they play in preserving species. And also understanding how, in the past, Federal management plans, I think, have in many ways been harmful to certain elements of local and state economies, understanding what those impacts are and understanding, too, that our states are, in many areas, better situated to make decisions about species and conservation plans in their states. What works best, what their experience has been, I think, is where we need to be.

And with that, Mr. Bedke, I wanted to get your perspective. Several years ago the U.S. Fish and Wildlife Service imposed certain overflight restrictions in the area of Mountain Home Air Force Base in the Little Jacks Creek area. And what happened with that, is it was in response to peregrine falcon nesting times.

And what it did was it cut off a large majority of the base air space to training in that particular region, cutting back on the opportunities for pilots to get the training they need to make sure that they are proficient. And, as you know, with pilots, especially in the Air Force and the Navy, if they don't have training as tactical pilots, then they lose their certifications and that creates an overall reduction in readiness for our Nation.

And many of us served both on the Armed Services Committee and the Natural Resources Committee, so we see the crossover there, and those are concerns that many of us have in how these decisions impact our Nation's military readiness.

Is there a possibility of additional overflight or use restrictions at Mountain Air Force Base by the U.S. Fish and Wildlife Service because of sage-grouse? And, if so, is that a continuing concern for Idaho and the impacts that that may have, both on the state and on our military readiness?

Mr. BEDKE. Congressman, I believe that it does. In some of the earlier plans there were withdrawals and limitations on the use of the training areas, not only around Mountain Home, but also out in Tonopah in Nevada and other places. These are some of the best last places to go practice. Limiting that certainly inhibits our readiness as a Nation.

I think that you can have it both ways. However, this is not the first time that we have had training areas. And the sage-grouse has been able to get by.

And that is maybe even understated. The sage-grouse population in Idaho is still hunted. In 9 of the 11 western states, these are still game birds, so it has nearly become a surrogate issue, about controlling the land management in these Federal lands.

I appreciate the position that has been expressed from Montana and other states, but with respect, Idaho's land management overlay is not like Montana's, nor is it like Wyoming's or Colorado's or any of the other states. Each state is unique, and the take-home message is that Mountain Home and the Air Force were at the table when we created the state plan. And we touched all of the bases with all of the stakeholders in there, again, gaining the blessing of the then-U.S. Fish and Wildlife Service and BLM, and then new secretary, new rules, and new overlay.

We are not trying to circumvent, we want a good, viable bird population there. Again, coming back to the firefighting protocols, if both sides of the room agree that wildfire is the Number one threat, then we ought to be about changing the way we fight fires.

It is foolish to have a fire boss come in from a fire in Arizona to a fire in Nevada. He has zero expertise with that area, and as he gets into cell phone range, we need to be able to e-mail him firefighting protocols where, when we didn't have the fire, we went in and we have a series of if-then statements. If the fire is here, you already have clearance to put a fire line there. And if the fire is in that quadrant, here is your permission to do what is needed. We are not talking about circumventing any of the historical values, or any of the cultural values, or any of the values out there at all. But during the fire is a bad time to try to get clearance for all of these things, and we can do a better job than we are.

The CHAIRMAN. Thank you, I appreciate that.

Dr. WITTMAN. Thank you.

The CHAIRMAN. I wonder where I have heard those questions before.

Dr. WITTMAN. I don't know.

The CHAIRMAN. Too bad there is nobody here from Yakima to say what the bird did out there, too, right? For the Army.

Mr. Soto.

Mr. SOTO. Thank you, Mr. Chairman. I wanted to start with, there was a new land management plan that came out and, obviously, that is why we are here today.

First, Mr. Tubbs, is this new land management plan affecting grazing, or is this about oil and gas drilling, or is this about home building? What real restrictions of those three categories are affected by the new land management plan?

Mr. TUBBS. Mr. Chairman, Congressman, one clarification. Land management plan being the state's plan or the Federal plan?

Mr. SOTO. The Federal plan. Forgive me.

Mr. TUBBS. So, coming into it, Montana did raise concerns about the resource management plans that were being developed by the Bureau of Reclamation. Montana's sage-grouse plan had yet to be authorized and implemented.

We were concerned that there would be major impacts, absent a state conservation plan if only Federal lands were protected in Montana. Given the limited scope of sage-grouse habitat that they manage, we were basically being told that their only choice would

be to lock down Federal lands without a sage-grouse conservation plan for the state.

We put that in place. Governor Bullock showed leadership in developing that plan, and we have maintained flexibility for our economy within sage-grouse habitat. We have reviewed thousands of proposals, rarely does a grazing plan require any permitting from a Montana perspective.

Mr. SOTO. Sure. So, because I am particularly sensitive about the grazing issue, it is not affecting grazing, per se, on Federal lands right now?

Mr. TUBBS. Well, Congressman and Mr. Chairman, most recently our sage-grouse oversight team, with review of the Federal team, have authorized as accepted practices putting water lines for stock tanks so that we can spread out grazing and do better land management.

Montana has a very strong culture of good conservation through our ranchers and farmers, and we think our plan protects that.

Mr. SOTO. I wanted to go back a little bit. There was, I believe, in our last farm bill a sage-grouse initiative which created incentives for voluntary conservation. How did that initiative end up playing out?

Mr. TUBBS. Mr. Chairman, Congressman, the sage-grouse initiative in Montana is a key partnership with NRCS, our conservation districts, and the state. We have initially had three staff work with landowners across the state on a number of projects.

The good news is that good sage-grouse conservation also is good range management. That helps good stock numbers and maintaining a healthy range. It also maintains the bird, as well as wildlife species. This area of Montana is also some of our top hunting in the United States, some of the biggest mule deer bucks or elk that you can get in any state will be found in sage-grouse habitat in Montana, and good range management preserves all those.

Mr. SOTO. Thank you. Speaker Bedke, first of all, I am sorry about what happened to your land with the fire. That is terrible, what happened. And that perhaps is one of the things that we have to look at, either incorporating state or Federal amendments to look at fire prevention that makes sense. And also your suggestion about invasive species and how, either through state or Federal, we need to address that.

Is the current land management plan preventing you from grazing on Federal land and lands that you own right now?

Mr. BEDKE. Well, Mr. Chairman and Congressman Soto, right now, no. But next year, arguably, yes. What we have out there, we are blessed to have a lot of sage-grouse. So, therefore, you have a lot of leks, strutting grounds, or breeding grounds, and early in the spring the birds congregate on these leks.

Then out around the leks there is a 5-mile buffer zone. And in that buffer zone, then, we are required to maintain minimal stubble height. The problem is that a cow, when she puts her head down to graze, she doesn't stop at 4 inches. And that becomes a problem.

We want to have all of these objective goals, but we need to also have subjective goals. If a population is there, then that needs to

be OK. So, our concern is that leaving that much stubble height contributes to the Number one cause of degradation, wildfire.

The CHAIRMAN. Thank you.

Mr. SOTO. Thank you, and I yield back.

The CHAIRMAN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Once again, thank you for being here and lending your expertise.

Mr. Tubbs, I have been impressed for the past couple years where we have had witnesses before us to talk about how top-down, heavy-handed, punitive approaches to endangered species has just failed, and it has failed since the beginning.

But what has really impressed me is how, when we get to voluntary conservation and partnerships, when it is not punitive, how many species actually have been de-listed as a result of that.

I know Montana has been one of the Nation's leaders in conserving and restoring the sage-grouse habitats, and I understand that Montana established a series of competitive grants that led to the restoration of thousands of acres of critical land. How effective have these grants been, and the spirit of voluntary conservation and other conservation partnerships been?

Mr. TUBBS. Mr. Chairman, Congressman, Montana is blessed with wonderful habitat, and much of that habitat is on private lands. As a result, land trusts have been working with landowners in Montana for decades in conservation practices. And, more recently, in conservation practices specifically at protecting the greater sage-grouse.

We have invested just over \$3.5 million of state funds in sage-grouse conservation on several hundred thousand acres of ranch land in Montana, protecting it, and also stewarding those ranches into the future as working lands and working ranches.

The effect is to preserve extremely high-quality habitat. That is where most of our money has been invested. We did invest in a couple of general habitat easements and are now trying those out in our new habitat conservation and mitigation plans as to how it can then bridge the gap where we need development.

And development will happen in Montana. By providing this type of conservation investment with state dollars, we are able to maintain the economy, as well, where impacts to sage-grouse are not preventable.

Mr. THOMPSON. How many people have applied for these grants? And will that trend continue to grow in the future? And what kind of leverage are you seeing on those investment dollars? What are the grant recipients bringing to the table? Any idea, in terms of matching dollars or voluntary dollars in this effort?

Mr. TUBBS. Mr. Chairman, Congressman, we can provide you with a full record of it, so that the Committee has the record.

We've had tremendous value, we are generally in it at a 1-to-10 or 1-to-5 ratio, in those kind of parameters. Other conservation investors are the big land trusts. And it is the Montana Land Reliance, which is a big land trust made out of a small, little group of folks in Helena, Montana. But they have preserved over a million acres, so they celebrated that just this year. The Nature Conservancy is the other big land trust party that works in this

landscape, and we have done deals with both. And then the private landowners and their families have been donators, as well.

Mr. THOMPSON. Thank you.

Mr. Bird, we all know the devastating wildfire impact. We see that, unfortunately, all too real every day, especially right now. It is really highlighted, and we know it is continuous. And you mentioned wildfire is the sage-grouse's Number one threat.

It seems that Utah has been somewhat successful in controlling wildfires, maybe better than some areas, through a state program. With a little bit of time, can you elaborate on the efforts taken between local, state, Federal, and private entities to do that with wildfires?

Mr. BIRD. Mr. Chairman, Congressman, I think the key to it is getting money on the ground early, pre-suppression, and then post-suppression work in those areas. That is where Utah has done a great job. Our Legislature has done a wonderful job of getting money on the ground.

Before fire happens, and afterward, in fact, for every state dollar spent on restoration we have had \$5 from partner agencies. And on pre-suppression work in the state, for every dollar we have had \$20 from other partners, both local, private, and even individual landowners.

Mr. THOMPSON. Thank you.

Chairman, I yield back.

The CHAIRMAN. Mr. Grijalva.

Mr. GRIJALVA. Going back to that point that most of the sage-grouse habitats in Montana are on private land, an ESA listing would have big implications. So, Montana initiated conserving habitats a long time ago.

A question on that, is energy development and other resource use easier or more difficult when sage-grouse populations are healthy, as we find the situation in Montana now, or when they are threatened by extinction?

Mr. TUBBS. Mr. Chairman, Ranking Member, the situation in Montana that we feared was without a Montana sage-grouse conservation plan, the Department of the Interior, through its Bureau of Land Management, was indicating that it would have to severely restrict development of any resources on Federal lands.

It also impacts our agricultural community, both on agricultural land, as well as grazing land, if only land use plans on the Federal side were there. By adopting a Montana conservation plan, we actually freed up the ability to develop energy resources, as well as other resources on Federal lands. And it is that partnership that we continue to strive to succeed at.

Mr. GRIJALVA. So, a tremendous amount of outreach and state involvement in the various plans, Director Tubbs, ultimately led to the 2015 decision not to list the sage-grouse. How has Montana been involved in the Secretary's recent decision to revisit and review those plans?

Mr. TUBBS. Mr. Chairman, Congressman, Governor Bullock was Chair of the Western Governors' Association when the Secretarial Order came out. Working with all 11 western governors, they created the Sage Grouse Advisory Group within the WGA.

Initially, there was good consultation early on with the Secretary's office. However, they rapidly pushed forward a product and defined which direction they were going to go, prior to re-engaging with the Governors' Association. And even though we continue to meet, we would ask that the Administration continue to work with our governors and the state of Montana, so that we can continue to improve the process.

Mr. GRIJALVA. Just to follow up, changing the strategy at this point on the conservation plans, would that threaten the bird?

Mr. TUBBS. Mr. Chairman and Ranking Member, I think that it is wholly dependent on what those changes would be. While one could argue that there is no increased risk to listing, that is significantly a question as to whether protections are taken away for any one state.

That is part of the issue with the rangewide conditions determination. There are states like Montana that have good populations, great habitat. But we have been impacted and would be in the future if other states were allowed to change protections such that the species was warranted.

Mr. GRIJALVA. Thank you, sir.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you. OK. Now, for ground rules here, a couple of things.

First of all, this is in deference to Mr. Grijalva. Your microphone is on your left. It is the only thing that is going to be on the left in the room, but your microphone is on the left.

[Laughter.]

The CHAIRMAN. Second, for the witnesses, you don't have to address me on every answer. When I ask my questions, they will be intelligent. You can address me then.

[Laughter.]

The CHAIRMAN. So, you don't have to say "Mr. Chairman" every time you open your mouth.

Mr. Gosar.

Dr. GOSAR. Thank you, Mr. Chairman. The Obama administration's de facto sage-grouse listing and the 20-year mineral moratorium on 10 million acres of land has been one of the greatest threats to the livelihood of western communities.

Some of the most stifling consequences of the Obama-era regulations were targeted at businesses. New mining operations on this massive swath of land, where more than 7,000 active claims were already present, were prohibited for 2 years. Thankfully, President Trump's Department of the Interior canceled the massive proposed withdrawal, allowing job creators and hard rock miners to get back to work immediately.

Speaker Bedke, it is good to see you again. Given the litigation risks, the time it would take to once again amend 98 management plans, and that the Forest Service has not even started to unwind their Obama plan amendments, do you agree with me that Congress must act and kill these 98 politically amended Obama plans, once and for all?

Mr. BEDKE. Yes, Congressman, I do.

Dr. GOSAR. Would such actions provide the most certainty in the timeliest manner for the local stakeholders?

Mr. BEDKE. Yes, it certainly would, and here is the irony. We are holding up the Obama administration rules as the standard by which all sage-grouse should be managed. And our state plans were compliant under that administration. They were blessed by that administration. And then, to guild the lily, if you will, at that point smacks of over-reach.

We were on a good path. All we need is for everybody to roll it back to the way it was and let the state plans work. Montana's plan is going to look different than Idaho's. That is because the underlying topography is way different. Idaho is going to have similarities to Nevada's and Utah, but we have zero oil and gas. So, our mix is going to be different.

And to have other states say that, if I may, I just heard that if Idaho changes its plan, or if the management is changed in Idaho, that that somehow threatens Montana. Nothing could be further from the truth. But I do take issue with the fact that Idaho is providing off-site mitigation for these other states. That is not right.

We have a plan. Hold us to a standard, give us the numbers, describe point B, and turn us loose, again, back to all the stakeholders that we had at the table. This was not a myopic group. It was broad-based. And we came up with a plan, a consensus plan, that was eventually endorsed by the then-Obama administration. These can work. Just give us the time, get out of our way and give us some time to let it work.

With all due respect, that is my point here today.

Dr. GOSAR. Well, my colleagues from the left, it defies everything they stand for—it is the all-encompassing, all-knowing in Washington, DC, the bureaucracy. And, in Arizona, we actually had to fight the Fish and Wildlife Service. That was very belligerent. They were anti-law in regards to that, so it has been very cumbersome. So, I believe that I would trust the rancher back in Idaho or in Nevada versus the Federal Government.

Mr. BEDKE. I would agree with you, Congressman, the Nation's natural resources are best served by having local families acting as those stewards. The Nation's interests and these family interests coincide on being good, long-term stewards of the public lands in the West.

Dr. GOSAR. I fully agree with you. My grandfather was a rancher. And if they cannot be conservationists, they don't have the luxury the following year. So, they are extremely in tune with the land and nature.

Dr. Goicoechea, it is good seeing you again. A couple of questions for you. At the risk of over-simplifying the issue, why would other state management plans not work for Nevada?

Dr. GOICOECHEA. Our threats, our topography are very different, Congressman. While Speaker Bedke says fire and invasives are the same in Idaho, we are the driest state in the Union, and no one knows that better than those of us that make a living off the land. We cannot apply prescriptions from Montana to Nevada. They will not work.

Dr. GOSAR. Well, I am extremely grateful to Secretary Zinke and the acting BLM Director Nedd for their actions to unwind the bureaucratic mess of the previous administration, which was preventing effective state management of the sage-grouse recovery.

And while taking steps to unwind the de factor sage-grouse listing through the administrative action is welcome, Congress must act in order to provide timely and permanent certainty on this issue for local stakeholders in the western communities. Thank you.

The CHAIRMAN. Mr. Labrador.

Mr. LABRADOR. Thank you, Mr. Chairman, and thank you, Speaker Bedke, for being here today.

I had the privilege of serving with Speaker Bedke for 4 years in the Idaho Legislature, and it is always good to see him.

Speaker, in 2011, when Secretary Salazar invited western states to partner with the Federal Government to work on solutions related to sage-grouse, how did the state of Idaho respond?

Mr. BEDKE. We responded with enthusiasm. In the formal conversations and the informal conversations that we had, we took this as an opportunity to help plan our own destiny. For once, it looked like the locals would be empowered to solve a broad-based problem. It was what we have been talking about for decades. And we went into it with good faith. We had a lot of meetings, a lot of discussions. Again, this was not a homogenous group. And we had a good work product come out of that.

So, you can only imagine our disappointment when the goal line was moved, and the rules changed.

Mr. LABRADOR. Absolutely. What role did the Federal agencies in Idaho play during that process?

Mr. BEDKE. They were in the room. We had all of them in the room. And it is not like they got pre-decisional, but they certainly were able to communicate kind of a warmer, warmer, colder, colder type of an approach as we noodled and contemplated and had discussions on what the plan might look like.

And we had Jack Connelly, you know, he wrote the sage-grouse bible. He was in the room the whole time. And our plan reflected what was good for the bird at every turn.

Mr. LABRADOR. Did these agencies approve of the plan?

Mr. BEDKE. Certainly, yes. The U.S. Fish and Wildlife Service ultimately blessed the plan. I don't think that is the proper terminology, but endorsed it, and it became the co-preferred alternative, with the BLM, under the NEPA process.

Mr. LABRADOR. You have mentioned that the main threat to sage-grouse in Idaho is fires. Is that correct?

Mr. BEDKE. Yes. Not just I, but that is what the science says.

Mr. LABRADOR. Correct. Do the Obama administration plans address these threats?

Mr. BEDKE. Well, the old plan did, because baked into the Idaho plan were robust, firefighting measures, some of the things that I have talked about here, having if-then statements. You know, if the fire starts here, then it is OK to put a fire line there, and getting all the clearances ahead of time so that you have an algorithm, basically—if the fire is in this section, then it is OK to do this other list of things.

So, fire was integral, and its control was in the middle of all these plans.

Mr. LABRADOR. What could be done to make firefighting more effective to better protect sage habitat?



Mr. BEDKE. Thank you. I have alluded to that at the time. The firefighters know how to put out fires. We hamstring them, and tie their hands with Federal regulatory overlay.

They are as frustrated, that day that we went from 500 acres to 20,000 acres was a frustrating day for the guys on the fire line, it was a frustrating day for the ranchers, whose livelihood and the ability to feed their livestock was going up in smoke. And to have the heavy equipment sit on a truck because there was no Cat tender there, someone to walk in front of it as they put the line in, by an existing road that had already been disturbed by existing fence lines that had already been disturbed, was counterproductive.

By anyone's standard, they ought to be able to make on-the-ground decisions. If we are going to tie their hands on the ground, then let's give them an algorithm ahead of time that they can have in their file, so that they can say it started in this quadrant, so therefore I can do these things. And we have touched all the archeological, historical, cultural, other species concerns ahead of time when you are not under the gun of having a fire.

Mr. LABRADOR. And it is not just frustrating, but it is more dangerous for the firefighters, too, is it not?

Mr. BEDKE. Well, certainly.

Mr. LABRADOR. Yes. Are you aware of the notice of intent that was recently released by the Department of the Interior?

Mr. BEDKE. Yes.

Mr. LABRADOR. Can the existing plans that affect Idaho be fixed, or do they need to be completely repealed and replaced with a state plan?

Mr. BEDKE. I think that we need to be able to roll back the Federal plan amendments to go back to the state's plan, so that each state has a plan that works in their locality. I applaud these other states, they should applaud us, and we should go back to the state plans.

Mr. LABRADOR. Thank you, I yield back.

The CHAIRMAN. Mr. Tipton.

Mr. TIPTON. Thank you, Mr. Chairman. I thank the panel for taking the time to be able to be here today, as well. It is interesting, being able to hear the stories from the different states, from Nevada to Montana to Idaho and into Utah, as well, in terms of being able to come up with plans that actually work for our individual states.

I come out of the state of Colorado. We have very unique topography in the state of Colorado. One of our local counties had invested several million dollars in actually mapping out the best areas for sage-grouse rehabilitation for the actual habitat that would work. That was completely in contradiction of what the BLM had originally put out with a broad-brush stroke, to where the entire western half of Colorado was virtually sage-grouse habitat, even though it could not sustain it.

So, those private-public partnerships, which were developed with the local ranchers, with the local counties, with our state, were actually yielding what we wanted to be able to achieve.

I certainly applaud the efforts that we are seeing in our state and I listen to the conversation. It seems that the debate is not so much about species rehabilitation as about should the Federal

Government make the determination, or should the states be able to implement some of those policies. And I think a sensible person would certainly step forward and say if we want to be able to achieve the goal, let's follow the best route.

Mr. Goicoechea, when you were talking about the fire that broke out in your state, you had the ranchers apply to be able to actually get in to graze, to be able to create better habitat, because you had good moisture growing.

What was the policy of the Federal Government, and how did that impact, ultimately, the habitat of rehabilitating the species?

Dr. GOICOECHEA. Thank you. So, Mr. Congressman, when you are 87 percent controlled by the Federal Government, you find yourself a lot of times asking Father or Mother May I, and that is what happened in this case. There was not the flexibility to go beyond the term permit, even though the range conditions showed we have a high fire risk here. In no way, shape, or form was there going to be resource damage by allowing those livestock to stay.

The Bureau of Land Management is afraid of litigation. They have been litigated time and time again. They do not want to step outside. They don't have the flexibility, and these plans are not giving them that flexibility. So, when they said no, the cattle moved on, and 30 days later we had 220,000 acres of black.

Mr. TIPTON. I am a small business guy, and in terms of having the flexibility, that was one of the issues that we actually had in Colorado. Unfortunately, when they were revisiting the plan, some efforts were made in the original efforts to be able to incorporate some of the Colorado ideas. But they were discarded for consistency of a one-size-fits-all program.

When we are talking about science and the best understanding of it, each one of you in your states, you have game and fish departments that are there, you have local county officials that are there. Would you say they are pretty good experts, in terms of probably knowing the habitat, knowing how to best be able to address an issue?

Mr. Goicoechea?

Dr. GOICOECHEA. Yes, sir, absolutely. And when it comes to fire-fighting, as well, your state and local departments, those volunteers in Nevada, the Nevada Division of Forestry, we know the best. We know the conditions on the ground, we know where to make that stand. We know who has grazed, how long they have grazed, when they have grazed, where the natural breaks are.

If we don't empower the locals and the state agencies, we will never get ahead of habitat loss.

Mr. TIPTON. Director Bird, Speaker Bedke, would you speak to that, as well?

Mr. BIRD. I would agree, we do a good job of managing wildlife in the states. That is what we do with our wildlife agencies. I wish you could come and see some of our local meetings with the local landowners, the agencies, the sportsmen, and all those folks who are involved working together to come up with priorities for projects in their area. It is an amazing thing to watch.

Mr. BEDKE. Congressman, many of us have been in these types of meetings before, and we did not want to go through the frustration and disappointment of having the wrong people in the room

at the start. So, we went out of our way at the beginning of the process to make sure we had the right people in the room, the right scientists.

Again, I referenced earlier Mr. Connelly is the standard. He wrote the sage-grouse guidebook. He was in the room with us. We, again, did not want to have happen, what has ultimately happened, that we would look back at our process and say it was deficient in some way, and therefore we have to start over. We went to great lengths to have the right people in the room all the time.

Mr. TIPTON. My time has expired, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Pearce, are you ready? OK. The one on your left.

Mr. PEARCE. It is hard for me to reach the left, sir. I will take your orders, if you make me.

Mr. Tubbs, you seem to be in a position where you would work with the Fish and Wildlife Service, you kind of know the way they operate, the way they think. And that is not a trick question, I was just trying to get everybody on the ground here.

[Laughter.]

Mr. TUBBS. Congressman, we certainly have been working with the U.S. Fish and Wildlife Service in Montana for decades.

Mr. PEARCE. I know, but when I look at the estimates of numbers of birds, the estimates are 200 to 500,000. That is kind of a big gap. Behind the scenes, do they ever sit there and say, "Can't we get this a little bit closer?"

Mr. TUBBS. Mr. Chairman, sorry about that, Congressman—

Mr. PEARCE. Don't put any thoughts in my head.

Mr. TUBBS. It is a fact of my Montana State Legislature, Congressman. In Montana, our fish and wildlife agency is the agency that is required to report populations. While we know lek counts, actually counting birds is a statistical exercise, and not an easy thing to do. So, I think that probably results—

Mr. PEARCE. Do you think that is an acceptable gap?

Mr. TUBBS. Congressman, we are putting additional efforts, in fact, our State Legislature has directed our wildlife agency to report population estimates into developing those, so we hope to have better statistics in the future.

Mr. PEARCE. OK.

Mr. TUBBS. It will remain a statistical question, though.

Mr. PEARCE. Mr. Bedke, you are the one that experienced the fire, right, on your property?

Mr. BEDKE. Yes, this year. But fire is part of the ecosystem in the Great Basin, and we experience fires in some sort, either I do or my neighbors or my extended family, each and every year.

Mr. PEARCE. It is part of the ecosystem, but the ecosystem used to be in balance. Is the ecosystem in balance today?

Mr. BEDKE. I believe that it is not, Congressman. If you go back to the days where there were huge sage-grouse numbers, they were also arguably some of the bad old days of grazing. It was a continuous graze situation. There were not any rotational systems like we employ now and have for the last 40 years, 30 years, for sure.

Back in those days, that is when the bird flourished. And the reason is because you turned the cattle out in the spring, and they

found their own level, so to speak, over the entire allotment. And as they did that, they created natural fire breaks because they camped out in the bottoms where the streams are. If you are out where there are 10 inches of rain per year, or 12, then that is where the cattle go, and they eat the more desirable plants in the bogs, and then work up the side hills.

Mr. PEARCE. Yes, I appreciate that.

Mr. BEDKE. So, that created natural fire breaks that, in a deferred or a rotational system, you do not have now.

Mr. PEARCE. I understand. In New Mexico, I know that we experienced that. The ecosystem used to have a major fire every 8 years. The tree rings would show that. And when we quit putting out fires, then we logged to make the difference. Then, when we quit logging, instead of 50 trees per acre, we have 500 or 2,500 trees per acre. The system is out of balance.

Then the Forest Service says we are going to reintroduce fire into the wild, kind of like we just discovered this thing here, and it is the way it ought to be. Now we are getting the 3,000-acre fires. We are seeing what is going on in California. And the system is badly out of balance, and fire is destructive.

Did you ever hear the Fish and Wildlife Service complaining about the fires and the destruction of habitat and endangered species, especially the sage-grouse? Do you ever hear that? Did you hear it when you experienced that major fire?

Mr. BEDKE. We certainly did. And those discussions and those 18 months of meetings is where I learned that the Number one threat to sage-grouse was fire.

Mr. PEARCE. Yes, but what do they do? The Fish and Wildlife will stop every activity, but they do not stop the Forest Service from mismanaging our forests.

Mr. BEDKE. Congressman, we must conclude that it is not about the bird, and it is more about land management.

Mr. PEARCE. Mr. Bird, you are spending a lot of money in Utah on trying to stop the problem. What do you all do for active management? You just fight fires? What do you do with your money?

Mr. BIRD. No, again, it is active, hands-on management. It is pre-suppression, it is getting rid of pinyon-juniper, it is getting rid of the threats and the problems.

Mr. PEARCE. Does the Forest Service help you in those efforts?

Mr. BIRD. They have in this area. The Forest Service and BLM have.

Mr. PEARCE. Thank you, Mr. Chairman. I appreciate it.

The CHAIRMAN. All right. Speaking of wildfires, Mr. LaMalfa from California, the Burn State.

Mr. LAMALFA. Thank you, Mr. Chairman. I appreciate this panel. Again, thank you for your time and travel, being here, and for the level of patience you have with trying to deal with this issue. I do have several of these counties in my area, whether it is burning forest, burning sage habitat, or what have you, that continues to be a problem with little solution coming out of Washington. I am more hopeful here in the last few months.

But what I want to hear from the panel here is, how do you feel lately, especially that the engagement with the Federal Govern-

ment has been with the state, local level, tribal officials on getting to a better solution.

Again, my area on the California side has Modoc County, Lassen County, Plumas County, a neighbor to Mr. Amodei, over there on the Nevada side, where he is working very hard, doing great work on that, as well, over there, with that common backyard.

The gentleman, Mr. Bird, you were talking a little bit earlier about when you get people in the room it was a really good, positive meeting, and also Speaker Bedke, as well, when you get the right people in the room, the collaboration has been pretty good. Do you feel lately, both of you, that the Federal collaboration side of that has been helpful? Do you feel the ball is being moved?

Somebody said on this panel also that there is the fear of litigation. Just touch on those two things, Mr. Bird, please.

Mr. BIRD. I would think it works best, obviously, at the local level. We get along well with our local managers, and when they are given the flexibility to work with us, that works well. That would be my statement there, sir.

Mr. BEDKE. You will always be surprised if you have a common goal. Then, there are ground rules that are set up that no one's position in the room is going to trump the other positions, and you are going to stay until you are finished, you are going to stay until you have a solution.

It takes you a few meetings to get into that mode, frankly. But once you do, then it turns out you have the expertise, good ideas, and the good thinking that happens in a group dynamic. Then, you have a good product. And that is what we experienced, and that is why we are so indignant that they changed it on us after all that good work.

Mr. LAMALFA. They changed it? Which "they"?

Mr. BEDKE. They, the Federal Government. They amended our amendments. Over the top of these state plans, they went to the next level that made it impossible, or certainly would make it very difficult, to continue things like livestock grazing.

Mr. LAMALFA. When you show them the results about the number of acres of sage-grouse habitat that is being burned and lost and the negative results you are seeing, does this shake them up any? What do they say when you have these meetings with them?

Mr. BEDKE. Well, it depends on how formal a meeting it is. No one likes to see the habitat burn.

Mr. LAMALFA. I wonder. I wonder. Do they like it because of the preventative measures, whether they are talking sage habitat or forestry, as well, they don't seem to really allow effective measures to—

Mr. BEDKE. Any decent land manager knows that the growth increment every year will build up, and it does not matter whether you are in a forest situation, or a range situation. That growth increment is going to be there every year, and you can either harvest it or you can eventually burn it. Those are your two choices.

Mr. LAMALFA. Mr. Goicochea, again, when we see that the environmental groups really spend most of their time suing the Forest Service or BLM when these efforts are being made, don't you feel they are essentially preventing the ability of the sage-grouse to actually thrive and be populous in the area at the end of the day?

Dr. GOICOECHEA. Absolutely. They are preventing the flexibility and adaptive management that we need to allow the bird to flourish.

Mr. LAMALFA. And we have heard even in this Committee today that grazing is not the answer, that grazing somehow is making it worse. Please address that, as my time expires here.

Dr. GOICOECHEA. Grazing is a huge tool, and the most readily available tool to limiting the size of our fires. In the Great Basin, that is the Number one threat. You have heard it over and over again.

Mr. LAMALFA. What does it cost the government to have grazing? I would just like to hear that number.

Dr. GOICOECHEA. It benefits the government. It makes the government money.

Mr. LAMALFA. The government makes money. Yes, all right.

Thank you, panelists, I appreciate it.

The CHAIRMAN. Good answer.

Mr. Graves, who asked me my favorite sage-grouse recipe. You can maybe ask them, as well.

Mr. GRAVES. Thank you, Mr. Chairman. I appreciate the opportunity to be here. And I want to thank all of you for the travel today.

Mr. Bird, I am from Louisiana and I am a little slow, I guess, right? I just want to make sure I understand this clearly. This is an issue where the Federal Government is mismanaging a species and you are asking for more state control of that. Is that accurate?

Mr. BIRD. I think, Congressman, any time we have more local control it works better.

Mr. GRAVES. I am sorry. You said any time you have more state control it works better?

Mr. BIRD. More local/state control, it works better.

Mr. GRAVES. Wow. How about that? Thank you very, very much. I cannot even tell you how much I appreciate that.

The CHAIRMAN. I am assuming that applies to fish, as well as birds?

Mr. GRAVES. Oh, wow, look at that.

The CHAIRMAN. OK.

Mr. GRAVES. How about that?

[Laughter.]

Mr. GRAVES. I didn't think you would draw that connection.

Speaker Bedke, you are a fifth-generation rancher, as I understand. You have people from Washington, DC, that are making decisions in your state. Can you talk a little bit about what you see as being a disconnect between some of the decisions that are being made, versus practical application on the ground in your state?

And what I mean by that is, if you are truly trying to advance an objective, whether it is an environmental objective, a land management objective, or others, could you talk a little bit about how you see a disconnect, or perhaps a misunderstanding of practical solutions trying to address some of these objectives?

Mr. BEDKE. The reason that I include that, I am the fourth generation, and I am in Washington, DC, and the fifth generation is doing all the work while I am here. So, the reason that we even mention that in our bios is because we are proud of that, and we

have a legacy and an experience over decades, generations of stewardship.

In my tenure at the ranch, with every new administration we make 90-degree turns to the previous policy. That is disruptive, over time, to good ecosystem management. Livestock has grazed out in this part of the world since the 1860s. So, the fact that we are there, and the bird has flourished up to this time ought to tell us something. And we can continue to do that.

But the disconnect is that no never means no, yes never means yes. We are just waiting for the shift in the political winds, and that is ultimately bad land management.

Mr. GRAVES. Let's see, I have one more question. I just want to make sure, actually, maybe I will ask Mr. Bird, because I am not sure I can pronounce the other name.

[Laughter.]

Mr. GRAVES. Can you talk a little bit, and just give your perspective. I heard you all talk about this when I came in, but you are talking about multiple states, and the ability of states to work together toward a common solution, whenever states in some cases may have different objectives. Can you talk about perhaps an experience that you have had in working together with other states and the ability of states to work together toward a common objective like this?

Mr. BIRD. Well, like you say, Congressman, all states are different. We all have different objectives, different needs.

I think one example in Utah is that we don't have the same percentage and the issues with the oil and gas industry and sage-grouse that Wyoming would, or other states. And I think working through those differences and/or working through our similarities is always helpful.

Mr. GRAVES. Would any of the rest of you care to comment on that, just on experiences?

Mr. BEDKE. I will jump in. The sage-grouse working group is a product of the state legislators getting together. We have a common issue, we learned this from the wolf de-listing. So, Idaho, Montana, and Wyoming came together to coordinate our efforts, to coordinate our state plans so, ultimately, the wolf could be de-listed. And we were successful doing that.

Now the next issue that comes along is the sage-grouse issue. We keep that same coordination between the existing three states. We add Utah, Nevada, Colorado, and eastern Oregon. Those state legislators come. We met regularly in Salt Lake City, and we formulated these plans, knowing full well that there had to be coordination between the state plans, ultimately.

Mr. GRAVES. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. MCCLINTOCK. The principal question I have is whether our laws are actually counterproductive to protecting endangered species. For example, our experience in the Sierra is we now have Draconian restrictions over land management, catastrophically overgrown forests.

Those forests are now susceptible to natural stressors such as drought, pestilence, disease, and ultimately catastrophic wildfire. We have lost 1,100 square miles of forestland in my district to

catastrophic fire in the last 5 years, and a lot of that has incinerated protected wildlife habitats. In fact, I think two fires cost us about 80 spotted owl habitats that we lost because we could not manage the land because of laws that were purportedly protecting the spotted owl. Now those habitats are gone completely.

Is that the same story for the sage-grouse and other management restrictions?

Mr. BEDKE. Sir, to a degree, it is. A range fire is a lot different than a forest fire. It is not as hot, and things grow back quicker under a range situation, if you can ever get any rain.

But in the forest, it is certainly a much bigger deal. You have to thin the growth increment in a forest. And if you don't, then, like I said earlier, either man will harvest it or nature will harvest it. And when man has pre-empted nature as long as it has in a forest situation, then the fires are catastrophic, and they are sterilizing.

Mr. MCCLINTOCK. But in the case of range land, you mentioned the fact that forest firefighting efforts were delayed catastrophically for lack of, what did you call it, a Cat spotter?

Mr. BEDKE. Cat tender.

Mr. MCCLINTOCK. Cat tender.

Mr. BEDKE. Yes, and it has nothing to do with felines, and everything to do with the machine that is built in Peoria, Illinois.

Mr. MCCLINTOCK. But, basically, in the middle of a wildfire emergency, where they are trying to cut a fire break, they were delayed because there wasn't an expert who could precede the bulldozer to determine whether or not there might be archeological finds or, I assume also, sage-grouse nests in front of the bulldozer as the fire was bearing down on it? Do I understand that correctly?

Mr. BEDKE. You understand it perfectly. It is as if we had a fire in this room, and fire extinguishers hanging on that wall, and you couldn't use them.

Mr. MCCLINTOCK. When I was at the Detwiler Fire, which caused the evacuation of Mariposa and threatened the Yosemite Valley just a couple of months ago, the firefighters were complaining to me that they had been trying for years to get permits for controlled burns so that they could have defensible space between the dying forests and the range land, which they rightly calculated was in immediate danger of igniting. And it did. And they couldn't get permits for it.

And then fire comes through, and the amount of carbon being released by these fires makes a mockery of all of our environmental laws.

Mr. BEDKE. Again, if you want to argue with me, Congressman, you are going to have to change the subject.

[Laughter.]

Mr. BEDKE. Because that is exactly the point. All of these preventative measures that you reference have to go through NEPA. And our NEPA process is set up so that—

Mr. MCCLINTOCK. It is needlessly time-consuming and ultimately cost-prohibitive.

Mr. BEDKE. It is time consuming and prone to lawsuits. So, you have this paralysis by this wanting to love the ground through NEPA.



Mr. MCCLINTOCK. Let me change the subject for a moment.

Mr. BEDKE. All right.

Mr. MCCLINTOCK. Nobody wants to see any species go extinct. But I don't understand why captive breeding programs and fish hatchery programs shouldn't be employed to maintain these populations.

Mr. BEDKE. That is exactly the mentality that I took in the room, as well. I have learned since that it is hard to do captive breeding programs with the sage-grouse. It works very well with other species, but for some reason——

Mr. MCCLINTOCK. But in many cases they still don't let us include them in the population counts.

Mr. BEDKE. That is the case, certainly, with fish.

Mr. MCCLINTOCK. OK. One more, oh yes, on climate change. It seems to me that the climate has been changing for about 4½ billion years. The planet has been warming on and off since the last Ice Age.

But it is changing, it is warming. Doesn't that argue in favor of more active management of our lands, so that we can match the density of the vegetation to the ability of the land to support it?

Mr. BEDKE. And in unison, the choir said yes.

The CHAIRMAN. Thank you.

Ms. Cheney.

Ms. CHENEY. Thank you very much, Mr. Chairman, and thank you to all of our witnesses for being here today.

Speaker Bedke, I was particularly struck by your testimony and by your description of what had happened most recently on your land. And you had a line in your written testimony where you noted that good intentions are not good enough. I think that is a very apt description for what has happened here. And I think it is a diplomatic description, frankly, for what has happened here.

But when you look at the policies that we have seen, particularly out of the last 8 years, and the attempt to impose this one-size-fits-all, Wyoming has 37 percent of the sage-grouse population, and we are very proud of our state management plan.

I wonder, though, if you could describe in a little bit more detail what happened when you saw these amendments imposed, and specifically, what were the brakes that you saw put on the state management plan that had been so carefully developed and put into place in Idaho?

Mr. BEDKE. Well, they went beyond the mark. And we knew we had to defend these plans, long term, and made them as bullet-proof as we possibly could, and still allow for the traditional uses out there. Everyone at the table, including the ranchers, knew that their practices were going to have to be modified, and they were in agreement to do that.

All right, so then you have the plan amendments that overlay over the top. Like I described, the lek buffers. If you have a lot of leks, you have a lot of 5-mile circumference, or 5-mile circles around each one of these leks, where their use at certain times of the year are severely limited. And to conduct a grazing program in these polka dots, over, literally, tens of thousands of acres, you cannot fence them economically to keep the cattle out.

So, it becomes very, very subjective, based on, again, the political winds that are blowing. And that was our largest concern.

Then these wholesale mineral withdrawals, the tens of millions of acres that were lifted and all the headlines read that Zinke is removing the protection for the sage-grouse. Well, that was never a problem in the first place.

I look to everything through the lens of a livestock person, and not a miner or the others, or a mineral or gas explorer. So, specifically for the livestock were the buffer zones and the stubble height requirements. After you graze, you still had to have 7 inches of stubble height after you go in there, and that is hard to accomplish.

And it becomes a judgment call each and every day out there by the land management agencies whether or not you are in compliance. And if you are not, then baked into their protocols was this 50 percent reduction, and a 50 percent reduction, and a 50 percent reduction. Well, you can only stand so many of those, and then you are out of business.

Ms. CHENEY. Thank you. And in addition to the damage that has been done to the grazing industry, for example, and I apologize if I don't get your name right, Mr.—J.J.? J.J., you can call me Liz.

In addition to the damage that has been done to some of our industries, the grazing industry and the mineral industry, isn't it true that when we are trying to impose a one-size-fits-all solution to Washington we are also not as effective as we could be in helping to preserve the sage-grouse?

Dr. GOICOECHEA. Congresswoman Liz, that is exactly correct. And that is why we have to get away from it.

And what Speaker Bedke is alluding to as he talks about the grazing and the 7 inches are the habitat objectives in that table. They may work well in parts of Wyoming, they may work well in parts of Montana. There are hardly any places in Nevada where they are going to work well. Seven inches? If we had 7 inches of grass and could grow it regularly, we would not be sitting in here, having this conversation today. And that is part of the problem.

We have to get back to that local, we are damaging the bird, we are burning the habitat by trying to achieve something that ecologically is impossible to do.

Ms. CHENEY. Thank you very much. And I think it is a sad and tragic example, but a really important example of, across the board, what happens when you have mismanagement from Washington, and I am fully supportive and very proud to be a cosponsor of the Chairman's legislation. Thank you.

The CHAIRMAN. Thank you. And I appreciate Representative Cheney for covering for me on the Floor the other night, too. Thank you.

Mr. Gianforte.

Mr. GIANFORTE. Good. Thank you, Mr. Chairman. And thank you to the panel for being here. And it is great to hear the successes you are having.

I want to call out Director Tubbs first, for the phenomenal work that has been done in Montana, and you have led that effort. We have been able to protect the great sage-grouse in Montana. I understand that our male sage-grouse population is up 153 percent

since 2014, largely thanks to the all lands/all hands approach that you have spearheaded.

I can attest myself last week being in southern Phillips County, trying to fill an antelope tag, that there were many sage-grouse that we witnessed in the pastures, so that was good. Keep up the good work. I appreciate it.

My first question is for Speaker Bedke. I want to dig in a little more. You testified that rangewide plans lack the recognition of the issues that are facing the species in a specific state. And some states are happier with these rules than others, because of the differences we have talked about.

You have also noted a disregard for science in some of these plans. I want to go specifically to wildfires, because you listed that as the primary issue in affecting habitat, and we talked at some length here about the specific regulations that are impeding local firefighting. You mentioned a couple.

My question is, what additionally should we be doing to free up and provide more local control, as we attempt to fight fire and protect sage-grouse habitat?

Mr. BEDKE. Well, I envision a world where an edict comes from Washington, for a change, out to the local offices that says, "You will have pre-fire suppression plans so that we can accomplish some of the," and that is not going to eliminate all the fires out there. Every front that comes through is going to have lightning with it, and there are going to be fires started, but we can minimize the size of these fires.

Because if it is an all-hands-on-deck for the sage-grouse, and the Number one issue or the Number one threat is fire, then we can do better here. Yet, our actions out on the ground contradict that statement. I can only describe my frustration watching that.

Mr. GIANFORTE. And we have heard testimony here that we are better off—

Mr. BEDKE. Yes, but what we need to do, then, is create fire districts out there, so that the ranchers are trained and have access to equipment. Because they live out there, and many times they will be the ones to see the smoke, and they can go out and address that, so they need to be properly trained and their communication systems need to be able to talk to the Federal land management agencies. We have started doing that with great success in some parts of the state.

Mr. GIANFORTE. OK. Mr. Bird, you testified that you have actually cut the wildfire impact on sage-grouse by 50 percent, protecting over 500,000 acres. Can you just go into a little more detail on how you did that, and what should we do at the Federal level to encourage that behavior or get out of the way?

Mr. BIRD. Every acre of pre-suppression saves a ton of money in the end. And we know, as states, as local entities, where our greatest threats are. And the key is working those areas. Whether it is sage-grouse habitat or whether it is near communities, we know where those threats are. And it is a matter of getting ahead of ourselves and doing that pre-suppression work.

Oftentimes, as we know, when the fire season goes on and Federal money gets fewer and further between, the Forest Service, for instance, will go over budget on their fire. And what goes first?

That pre-suppression money that could have been on the ground and could have prevented those fires in the first place.

Mr. GIANFORTE. So, reducing fuel loads, doing preparation actually reduces the intensity and the severity of the fires?

Mr. BIRD. Right. And just following up on Speaker Bedke, we have a new program in Utah called the catastrophic fire program, and that is getting into those local fire districts, getting into those local areas, training them so that they can take care of those fires immediately.

In fact, I think it is closer to 90 percent of the initial fire attack in Utah is done by those local volunteer agencies. And if they are properly trained, they can do a remarkable job.

Mr. GIANFORTE. Again, I want to thank the panel here for your testimony today. It is clear that when there is more local control, we get better outcomes for the sage-grouse and for our local producers.

And, with that, I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Amodei.

Mr. AMODEI. Thank you, Mr. Chairman, and thank you for your indulgence in letting anybody show up at this meeting. I appreciate it.

Mr. Goicoechea, for those of you who have a hard time pronouncing his name, the only reason I know is because I spent 14 years in the Nevada Legislature with his father. They are Spanish Basque, I believe. So, for those of you that are into kind of that what side of the ridge line those sheep herders are from, the French Basque will not be happy to know that Dr. Goicoechea, who is a large-animal vet, is from the wrong side of the ridge line.

That notwithstanding, though, I go into that embarrassing part for both of us to underscore the fact that as I look at this distinguished panel with the Speaker from Idaho, the Deputy Director from Utah's Natural Resources Department, and the Director from Montana, what we have sitting over there in the nice Basque gentleman's chair is the guy who is the head of the Nevada Sagebrush Ecosystem Council, which was the policy group formed by the legislature. The bill was signed by the Governor to do numerous things, if you look at the statute, but it is basically to establish what the facts are and what the policy ought to be, and create a sagebrush conservation plan for the state of Nevada. Thank you for your service, Dr. Goicoechea.

So, when we talk about collaboration and transparency, I want to start out with a few questions that are pretty easy ones to answer.

Have you completed a Nevada plan for the conservation of the sage-grouse and its habitat?

Dr. GOICOECHEA. Yes, sir.

Mr. AMODEI. Does that plan contain a provision dealing with wild horses?

Dr. GOICOECHEA. Yes, sir.

Mr. AMODEI. Did the plan that was put into the BLM resource management plans and travel management plans in Nevada contain an element that dealt with wild horses?

Dr. GOICOECHEA. Not efficiently at all, no.

Mr. AMODEI. Thank you. Now, let me ask you this. Did your plan have a mitigation system in it?

Dr. GOICOECHEA. Yes, sir, the Nevada conservation credit system.

Mr. AMODEI. Did the one that was enacted in the six or seven Nevada district offices, their resource management and travel management plans, did it include a mitigation system in it?

Dr. GOICOECHEA. No, sir.

Mr. AMODEI. Can you tell me any part of the Nevada plan that was adopted after the draft EIS was circulated in Nevada and the final one came out? Was there any part of the Nevada plan that was picked up in that transparent collaborative process?

Dr. GOICOECHEA. No, sir, I can't tell you of one.

Mr. AMODEI. So, when we hear about transparency, let's go to another area, sagebrush focal areas. About 3 million acres in Nevada, is that correct?

Dr. GOICOECHEA. Yes, sir. A little over.

Mr. AMODEI. Did your group—by the way, your group worked for how long on this plan?

Dr. GOICOECHEA. Several, a couple of years.

Mr. AMODEI. Public hearings?

Dr. GOICOECHEA. Public hearings, hundreds of hours of hearings and public testimony.

Mr. AMODEI. Noticed in accordance with the open meeting law?

Dr. GOICOECHEA. Absolutely.

Mr. AMODEI. Your members included environmentalists, they included members of the public, they included members of the State Wildlife Commission, ex officio were all the Federal land managers in the state. Is that accurate?

Dr. GOICOECHEA. That is accurate.

Mr. AMODEI. When did you find out that Nevada was to have 3 million acres of something called a sagebrush focal area?

Dr. GOICOECHEA. When the record of decision was signed.

Mr. AMODEI. And that was not in the draft EIS?

Dr. GOICOECHEA. No, sir.

Mr. AMODEI. I would like to add for the Committee's record that in my service on an inferior committee, when we had the Director of the Bureau of Land Management, the Chief of the Forest Service, we asked the question, "Where did the sagebrush focal areas come from?"

I would further represent for the Committee's record that the answer from those gentlemen basically said it came from fish.

So, when then-Director of Fish and Wildlife, Mr. Ashe, was there, we said, "How did you figure out where the lines were?" Well, that was an open, collaborative process.

It was such a good, open, and collaborative process that if you look in your Committee brief you will see that a Federal district court judge, who probably does not show up as a contributor to the present Administration's campaign fund, ruled that they had not complied with NEPA and that these came out of nothing that would resemble, these are my words, no one else's, an open and collaborative process.

So, as you can tell, I want to thank you for those answers. I want to also do a couple other things.

One is it is my understanding that, of the \$65 million that the people in the 114th Congress appropriated to the Department of the Interior to take care of sagebrush things on the ground, that \$35 million of it stayed within the Beltway. So, when we talk about fuels management and other sorts of collaborative things, that is not a great record of putting things in the Beltway.

Are we thinking maybe things closer to the state are better, perhaps?

Now the last thing I want to go through, real quickly, because I am almost out of time. Mr. Chairman, it is my understanding that, in the last 20 years, BLM statistics, not counting the last fire season, there were between 6 and 7 million acres burned in Nevada, that sheep grazing is about 20 percent of what it used to be, that Federal land managers have basically permitted 150,000 acres in mining, and that cattle grazing is down about 20 percent from its height. Are those numbers basically accurate?

Dr. GOICOECHEA. Those are basically accurate. Yes, sir.

Mr. AMODEI. So, based on those numbers, when you talk about the Number one threat to habitat, whether it is fragmentation or loss, would it be your conclusion that when we talk about mining and grazing and things like that, and the decisions of Federal land managers, that those are not the threats?

Dr. GOICOECHEA. Yes, sir. The threats are——

Mr. AMODEI. Thank you. And thank you Mr. Chairman, and God bless the West.

Dr. GOICOECHEA. I don't want the gavel to come flying at me.

The CHAIRMAN. Yes.

[Laughter.]

The CHAIRMAN. And after that you can carry your laundry on the streets if you want to.

Let me just take a couple seconds to ask a few questions here.

Mr. Goicoechea, first of all, there have been three reviews of sage-grouse by the Fish and Wildlife Service. Each time they have said that they did not warrant listing. There is another one scheduled in 2020. Based on your experience in past times, do you expect them to find something different in this fourth review that they have not found in the other three?

Dr. GOICOECHEA. No, sir, I do not. And I believe that it is critical that we continue to collect that data that shows what we are doing in our states is effective and is protecting those birds.

The CHAIRMAN. OK, Mr. Bird, the state of Utah spent roughly \$3 million in the management of habitat and things like the watershed protection initiative, and everything else.

What is the difference between the population, say, in the last 30 years of the bird in the state of Utah?

Mr. BIRD. Up, they are up.

The CHAIRMAN. Significantly?

Mr. BIRD. They are up.

The CHAIRMAN. They are up.

Same thing, Mr. Speaker. You put, like, \$750 million in sage-grouse management in Idaho?

Mr. BEDKE. I think that is a cumulative number from all the western states.

The CHAIRMAN. As I think some of the others have been saying here, have the requirements that have been put on you most recently from the Federal Government, the BLM, as well as the Forest Service, have they augmented those situations, what you are trying to do, or has it been basically a hindrance to what you are attempting to do?

Mr. BEDKE. Well, it is certainly a hindrance within the stakeholder community. The creation of the sagebrush focal areas, as Congressman Amodei referenced, plus the buffer zones, plus the stubble height requirements seem more designed to limit livestock grazing than anything else.

The CHAIRMAN. And we will not even go into detail of what happens if you let that growth take place without any kind of limitations to it, without any kind of grazing on it. Eventually what happens when it gets old and dies and cuts out any kind of new growth, it becomes fodder for wildfires, making it even more dangerous than it was before.

There is one thing I just want to notice, that from the four of you that are here, you are representing Idaho, Utah, Montana, and Nevada. And, as was mentioned by the Ranking Member, in private lands there has been great control as far as habitat. I think it was also mentioned by Mr. Tubbs, you have done great habitat on your private lands.

Fifty-four percent of the West is owned by the Federal Government. Montana, though, is about 20 percent below that average. You bring the average down there. You have much more private land than the rest of the states have. No offense. You and California lower the average for the rest of us here. You have more private property, which means you should do a better job in managing than the other states do. If not, it is on your head.

I know Utah would love to have something like 30 percent of Utah or even 54 percent of Utah owned by the Federal Government. We don't. We have a much more difficult problem, which means the state has control over these areas, but not on the Federal lands. And I realize in Nevada you don't have squat, as far as private lands in the state of Nevada. Everything has to go through this process.

What you four gentlemen have illustrated is that every state is indeed different, and it has been brought out by several Members here. Every plan has to be different. If we really care about the bird, if we care about not just controlling anything, but rehabilitation of the species, it has to be done differently. And that was what the original intent that Secretary Salazar said. And at one time that was the approach that you all went through in coming up with state plans, and then it was cut off.

Mr. Tubbs, I think you said it. One time the governors were simply cut off of the process, and then brought back in afterwards. Too late. And that is why there have been a lot of lawsuits by governors from different states in the West, because they were cut off and then brought back too late.

If we really want to solve this problem, you have to let state plans go into effect, and you have to give them a chance to show that they can actually accomplish their results, and that is going to take a couple of years to do that.

But what we are doing right now is wrong, and I applaud this Administration for trying to see if we can roll it back. But what we have to do is roll back in an intelligent way to make sure that the states are not only just given the authority, but also are not going to be limited in what their authority does by outside sources or outside limitations that come in there.

I thank all four of you for being here. I thank the Committee also for being here and the questions they have.

Are there other questions on another round?

Mr. GRIJALVA. No, Mr. Chairman. Just to enter into the record from Assistant Secretary of Defense for Readiness, Mr. Feehan, on a response to a question regarding the Endangered Species Act and effect on military preparedness, in which he says that the current status without any legislative change protects their interest, in terms of preparation.

And to just clarify that response by Director Tubbs was in terms of inclusion in the review of the current plans had to do with this present Administration, not the former.

With that, I yield back.

The CHAIRMAN. Is there anyone else?

Then, if not, for our witnesses, once again, thank you for being here. I appreciate that. The public record will stay open for a while.

If there are other questions that Members have, they may be submitted to you. We would ask you to respond to those. Those will all be part of the record in a timely fashion.

Where is my other sheet of what I have to say at the very end? No one can go until I say it.

Well, it is not there, not there, or not there. Oh, well, thank you for being here.

[Laughter.]

The CHAIRMAN. There is something I have to say, and it is we are adjourned.

[Whereupon, at 12:04 p.m., the Committee was adjourned.]

#### [ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

##### PREPARED STATEMENT OF GARY R. HERBERT, GOVERNOR OF THE STATE OF UTAH

Thank you, Chairman Bishop and Ranking Member Grijalva for holding this important hearing. I appreciate you inviting me to share with you and members of this Committee some thoughts on management concepts for public lands as they pertain to "Empowering States in Sage Grouse Management."

##### INTRODUCTION

It is easy to come and testify against unpopular Federal programs. That is not my purpose today. I am here to deliver a message about our successes and what is needed to protect sage-grouse, western habitats, and hardworking Americans.

Catastrophic wildfire has become a major concern across the American West. This year, the Federal Government has spent \$2 billion on wildfire control. This is a new record and a tremendously burdensome expenditure for the American taxpayer. The fires were so bad that the smoke plume literally spanned the Nation this summer. Some of America's most pristine forests, national parks, and vistas burned for months. The impacts of catastrophic wildfire to the lives of millions of Americans cannot be understated.



## WATERSHED RESTORATION INITIATIVE

When it comes to sage-grouse, our Number one concern in the state of Utah is wildfire. In 2007, Utah experienced a severe wildfire season. The state's wildfires in sage-grouse areas were particularly bad. One catastrophic wildfire burned over 200,000 acres in central Utah. The wildfire burned so hot, that it jumped a multi-lane interstate freeway and actually killed a driver. As a state, we assessed the problem and took action. We raised millions of dollars in private and state funding. We began to address the root causes of catastrophic wildfire in sage-grouse habitats and began to restore Utah watersheds.

This program, The Utah Watershed Restoration Initiative, has completed hundreds of projects in the last 10 years. Over 40 private, state, and Federal partners contribute to this program financially. We have invested over 150 million dollars and treated approximately 1.5 million acres. By any standard, this program has been an overwhelming success. It has not only saved the state from wildfire, it has saved hundreds of millions of dollars in firefighting costs.

These projects do more than just control wildfire. They restore our watersheds, native vegetative communities, and dramatically enhance habitat for wildlife. These areas are wetter, produce more runoff, and they dramatically increase the resilience and redundancy of habitats for sage-grouse. Our researchers are documenting dramatic measurable improvements in habitat utilization, nesting success, and population response of sage-grouse in these restored areas.

## RESULTS FOR WILDFIRE

The Watershed Restoration Initiative is working to control wildfire. We have fewer fires in our Sage Grouse Management Areas. Naturally occurring fires are smaller and easier to put out. Catastrophic wildfire numbers are a mere fraction of what these were just 10 years ago.

One measure of success: "Total acres burned" has improved dramatically. From 1999–2007, the 9 years before these conservation actions, wildfires within the state of Utah burned 628,663 acres within Utah Sage Grouse Management Areas. This amounts to 8.7 percent of acreage within Utah's SGMAs in a 9-year period.

From 2008–2016, the 9 years after these conservation actions were commenced, wildfires within the state of Utah burned 114,111 acres within Utah's Sage Grouse Management Areas. This amounts to 1.5 percent of acreage within Utah's SGMAs that were impacted by wildfire during the 9-year period.

This is fivefold improvement since just 2008. Just as importantly, this means that 514,552 fewer acres were burned by wildfire in the last 9 years compared to the 9 years before the Watershed Restoration Initiative Commenced. The improvement within Utah's SGMAs is significant and demonstrates that Utah's regulatory system is more than adequate to control the threat of wildfire.

## WHY THIS MATTERS

I am here to do more than just share a feel good success story of a program that is working. I am here to protect these programs. In 2015, the Obama administration issued new Federal land use plans in the name of sage-grouse. This followed 30 years of listing petitions that claimed that western states could not manage sage-grouse.

We understand the needs of our sage-grouse, and their unique habitats within the state. We have protected and grown our grouse populations for decades. We have studied and adaptively managed for sage-grouse success. We have spent tens of millions of dollars to protect, restore, enhance, and grow sage-grouse habitat in the state of Utah. The state, stakeholders, and citizens support these common-sense programs that work for Utah and its citizens. Our investment in sage-grouse conservation has been very successful.

## FEDERAL PLANS HURT PROGRAMS NEEDED THE MOST

The new BLM and Forest Service sage-grouse plan amendments are aimed at imposing more regulations on the state of Utah. Let me be very direct so there can be no confusion. These new regulations are a far cry from "collaboration" or "balance." In fact, these plans undermine the programs that are doing the most for sage-grouse in Utah.

Let me give you one example. The Federal sage-grouse plans are based on a paradigm of regulation, not conservation. Take oil and gas drilling. Documents obtained by the state of Utah show that Federal officials are mandating "no surface occupancy" for oil and gas drilling within Utah's Sage Grouse Management Areas. Is oil and gas a big problem in Utah's Sage Grouse Management Areas? Not at all. In

fact, there are less than 200 active oil and gas wells on the 7.4 million acres of Utah's SGMAs. This is far below the oil and gas density levels for priority habitat agreed upon with Federal officials.

Ninety-four percent of Utah's sage-grouse are protected within Utah's Sage Grouse Management Areas. This is the highest percentage of birds protected within core areas of any western state. This is also our best sage-grouse habitat. Instead of looking for ways to augment the Watershed Restoration Initiative that has saved 500,000 acres from wildfire and post wildfire effects, Federal sage-grouse plans were focused on a few oil and gas wells.

It gets worse. The state of Utah relies on economic activity in areas outside of our Sage Grouse Management Areas help pay for Utah's Watershed Restoration Initiative. These new regulations have essentially brought much of the new economic activity in areas outside of Utah's SGMAs to a standstill. What this means is that funding from mitigation, sportsmen, and state tax revenues are being lost. This threatens the one program, (i.e. the Watershed Restoration Initiative) that is doing the most to protect and restore sage-grouse in the state of Utah.

These Federal sage-grouse plans may be well intentioned, but they are a threat to the partnerships, funding, and collaboration that makes Utah's Watershed Restoration Initiative Work. Let me be clear: These BLM and Forest Service Plans are bad for conservation, bad for Utahns, and bad for sage-grouse.

#### GOOD INTENTIONS UNINTENDED CONSEQUENCES

Good intentions do not make good policy. This year the Federal Government has spent \$2 billion trying to control western wildfires. This is the most that has ever been spent in American history. For 100 years, we have controlled the natural fire cycle that kept stands of invasive pinyon and juniper trees in check. Litigation has stopped most logging and forest thinning needed to control the fuel loads. Federal regulators continue to cut cattle and sheep grazing which also are an important fire prevention measure.

These ill-advised policies are not working. Western states must now live with the catastrophic wildfires, toxic smoke filled air, loss of homes and businesses, and even the loss of human life. Certainly, this was not the outcome environmental activists expected. However, it is the good citizens of my state who must live with the unintended consequences of these failed policies on a daily basis.

#### LET WESTERN STATES MANAGE

My earnest petition is that Congress let the people who are impacted the most enact the policies needed to protect our families, and our communities. Western states are in the best spot to look beyond the good intentions and consider the very real, and very disastrous, real world impacts of these policies.

I am asking you to protect a program that is unrivaled in the Nation. The success of our Watershed Restoration Initiative in restoring and protecting sage-grouse is one of the reasons why Utah's legislature passed a nearly unanimous bipartisan resolution in support of a bill introduced by Congressman Bishop to protect Utah's sage-grouse conservation efforts.

It is time to revitalize and replace outdated Federal land policies. The new era of public lands will be one in which state and local entities take on a greater role and will use their skill, flexibility, and innovation to meet the recreation, environmental, and energy needs of the 21st century.

Congress must look at these policies from a conservation, fiscal, and human standpoint. Let our state's programs continue to work. Take action and pass legislation that throws out these ill-advised Great Basin BLM and Forest Service Land Use Plans. Protect the proven on-the-ground conservation programs that are working for sage-grouse, sage-grouse habitats, and hardworking Americans.

**Rep. Adam Smith Submission**

DEPARTMENT OF THE ARMY,  
 ASSISTANT SECRETARY OF THE ARMY,  
 WASHINGTON, DC

April 15, 2016

The Honorable Adam Smith  
 Ranking Member  
 Committee on Armed Services  
 U.S. House of Representatives  
 Washington, DC 20515

Dear Representative Smith:

This letter is in response to your request regarding the Greater Sage-grouse and whether a future decision to list the species under the Endangered Species Act would affect military training, operations, and readiness.

The Department of the Army is closely monitoring the status of the Greater Sage-grouse and its relationship to the Army mission. We currently believe that existing statutory authorities adequately protect the interests of the Department and we do not anticipate a need for additional legislation from Congress. The Army's responses to your specific questions are attached.

Thank you for your inquiry into this matter and your continued support of the Army, our Soldiers and their Families.

Sincerely,

KATHERINE HAMMACK

Enclosure

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1. *How would the land use plans, and other requirements for protection of the Greater Sage-grouse and its habitat, affect military training, operations, or readiness?* The Army has reviewed relevant portions of Bureau of Land Management, U.S. Forest Service, and state management plans and does not believe these plans will affect Army training, operations, or readiness to any significant degree. Army installations such as Yakima Training Center with a resident population of greater sage-grouse have already included conservation measures for this species in their Integrated Natural Resources Management Plan (INRMP). INRMPs and the species conservation measures therein are approved by both the U.S. Fish and Wildlife Service (USFWS) and the state conservation agency. The Greater Sage-grouse conservation measures in the INRMP have not prevented Yakima Training Center from meeting its military mission.

2. *If the Greater Sage-grouse were to be listed as threatened or endangered under the ESA, what affect would that decision have on military training, operations, or readiness?* If the species were to be listed as threatened or endangered, consultation under Section 7 of the Endangered Species Act (ESA) would be required for actions on Army lands that may affect the species. While there had been some concern that listing the Greater Sage-grouse may result in additional restrictions, the Army now expects the USFWS to take into account the Greater Sage-grouse conservation measures we have implemented through our INRMPs, rather than requiring additional restrictions or mitigation actions. We also expect our installations would be exempt from the designation of critical habitat because of the conservation measures in our INRMPs. Therefore, considering these expectations, the Army does not anticipate a significant impact to military training, operations, or readiness if the species is listed under the ESA.

3. *How do the Integrated Natural Resources Management Plans (INRMPs) allow for both training and wildlife conservation at U.S. military installations while not adversely affecting military training, operations, or readiness?* Army INRMPs establish conservation measures for the natural resources on Army installations that are consistent with the military use of our installations and ensure that there is no net loss in the capability of installation lands to support the military mission. Army INRMPs are developed by the Army's installation natural resource managers in close coordination with our training range managers and installation commanders. This ensures that there are effective species conservation measures and that those

measures are tailored to the installation military mission to avoid adverse effects to mission.

4. *What statutory authorities does the Department of Defense have to address potential conflicts that may arise in the future to ensure that military training, operations, and readiness will not be adversely affected?* Does the Department believe these authorities are sufficient to protect the interests of the Department of Defense without additional legislation from Congress? Congress made several important changes to Section 4 of the ESA in 2003 that provide DoD the authorities to address conflicts. ESA subparagraph 4(a)(3)(B) exempts military lands from critical habitat designation if the lands are covered by an approved INRMP that provides a benefit to the subject species. The DoD may also rely on ESA paragraph 4(b)(2) to exclude the installation from critical habitat designation based on potential impacts to national security. The DoD may also invoke subsection 7(j) of the ESA. This provision directs the Endangered Species Committee to grant an exemption for any action the Secretary of Defense believes is necessary for reasons of national security. The cited authorities are sufficient to protect the interests of the Army without additional legislation from Congress.

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#### Rep. Grijalva Submissions



### Sage-Grouse Implementation Options in Northwest Colorado

#### Greater Sage-grouse Conservation—The Collaboration Continues

The BLM's Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Northwest Colorado Plan is provided below.

#### Protective measures

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

#### Avoidance

The Plans' framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in General Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in General and Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in General and Priority Habitat Management Areas

### **Oil and gas leasing and development**

Only lands within one mile of active leaks are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Rocky Mountain Record of Decision nor the Northwest Colorado Plan specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM’s guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government’s interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM’s Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

### **Travel management**

- No routes are closed in the Record of Decision or Northwest Colorado Plan.
- Route designation is to be determined in follow-on planning tailored to specific planning areas based on broad considerations set out in the Northwest Colorado Plan.

### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Northwest Colorado, and the Plan does not set out habitat requirements.
- The Northwest Colorado Plan sets out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM’s guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Priority Habitat Management Areas, but does not require they be incorporated.

### **Effectiveness monitoring**

- The Northwest Colorado Plan sets out objectives and commits the agencies to track whether these objectives are being met.
- BLM’s guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM’s report is to discuss “if and how the BLM can work to reduce or eliminate any of the causal factors.”

### **Adaptive management**

- The Northwest Colorado Plan sets out triggers for considering when actions, such as changing General Habitat Management Areas to Priority Habitat Management Areas, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders to “implement an appropriate response strategy.”



## **Sage-Grouse Implementation Options in Idaho/ Southwestern Montana**

### **Greater Sage-grouse Conservation—The Collaboration Continues**

The BLM's Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Idaho/Southwestern Montana Plan is provided below.

### **Protective measures**

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### **Avoidance**

The Plan's framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in General and Important Habitat Management Areas
- Solar energy development in Important Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in General, Important and Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in Important and Priority Habitat Management Areas

### **Oil and gas leasing and development**

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Great Basin Record of

Decision nor the Idaho Plan specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM’s guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government’s interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM’s Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

#### **Travel management**

- No routes are closed in the Record of Decision or Idaho Plan.
- Route designation is to be determined in follow-on planning tailored to specific planning areas with broad “guidelines” included in Appendix L to the Idaho Plan.

#### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Idaho Plan, and the Plan does not set out habitat requirements.
- The Idaho Plan sets out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM’s guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

#### **Effectiveness monitoring**

- The Idaho Plan sets out objectives and commits the agencies to track whether these objectives are being met.
- BLM’s guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM’s report is to discuss “if and how the BLM can work to reduce or eliminate any of the causal factors.”

#### **Adaptive management**

- The Idaho Plan sets out triggers for considering when actions, such as changing Important Habitat Management Areas to Priority Habitat Management Areas, may need to be taken, based on habitat conditions and population numbers determined with state agencies.

- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders to “implement an appropriate response strategy.”



## Sage-Grouse Implementation Options in Montana

### Greater Sage-grouse Conservation—The Collaboration Continues

The BLM’s Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Montana Plans<sup>1</sup> is provided below.

### Consistency with Montana’s plan

- The Montana Plans are designed to be consistent with the State of Montana’s sage-grouse plan and to ensure that sage-grouse are managed similarly on state, private and federal lands.
- The Montana Plans contain a built-in review process allowing for changes, including to disturbance caps, based on updates to and progress achieved by the State of Montana’s sage-grouse plan.

### Protective measures

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### Avoidance

The Plans’ framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in General and Restoration Habitat Management Areas
- Solar energy development in General and Restoration Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in General, Restoration and Priority Habitat Management Areas

<sup>1</sup>These plans provide management for all but Southwestern Montana, which is managed under a separate sage-grouse plan that contains similarly flexible provisions as the Montana Plans.



- Minor rights-of-way/infrastructure—such as roads—in Restoration and Priority Habitat Management Areas

### **Oil and gas leasing and development**

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Rocky Mountain Record of Decision nor the Montana Plans specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM’s guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government’s interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM’s Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

### **Travel management**

- No routes are closed in the Record of Decision or Montana Plans.
- Route designation is to be determined in follow-on planning tailored to specific planning areas.

### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Montana Plans, and the Plans do not set out habitat requirements.
- The Montana Plans set out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM’s guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

### **Effectiveness monitoring**

- The Montana Plans set out objectives and commit the agencies to track whether these objectives are being met.
- BLM’s guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM’s report is to discuss “if and how the BLM can work to reduce or eliminate any of the causal factors.”

### **Adaptive management**

- The Montana Plans set out triggers for considering when actions, such as habitat restoration, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders, including state agencies, “with consideration of local knowledge and conditions.”



## **Sage-Grouse Implementation Options in Nevada**

### **Greater Sage-grouse Conservation—The Collaboration Continues**

The BLM’s Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Nevada Plan is provided below.

### **Protective measures**

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### **Avoidance**

The Plan’s framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in General Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in General and Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in Priority Habitat Management Areas

### **Oil and gas leasing and development**

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Great Basin Record of Decision nor the Nevada Plan specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM’s guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government's interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM's Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

#### **Travel management**

- No routes are closed in the Record of Decision or Nevada Plan.
- Route designation is to be determined in follow-on planning tailored to specific planning areas.

#### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Nevada Plan, and the Plan does not set out habitat requirements.
- The Nevada Plan sets out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM's guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

#### **Effectiveness monitoring**

- The Nevada Plan sets out objectives and commits the agencies to track whether these objectives are being met.
- BLM's guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM's report is to discuss "if and how the BLM can work to reduce or eliminate any of the causal factors."

#### **Adaptive management**

- The Nevada Plan sets out triggers for considering when actions, such as habitat restoration, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis

that is designed with stakeholders, including state agencies, “with consideration of local knowledge and conditions.”



## Sage-Grouse Implementation Options in Oregon

### Greater Sage-grouse Conservation—The Collaboration Continues

The BLM’s Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Oregon Plan is provided below.

### Protective measures

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### Avoidance

The Plan’s framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in General Habitat Management Areas and certain counties with significant wind potential in Priority Habitat Management Areas
- Solar energy development in General Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in General and Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in Priority Habitat Management Areas

### Oil and gas leasing and development

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Great Basin Record of Decision nor the Oregon Plan specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM’s guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.

- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government's interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM's Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

#### **Travel management**

- No routes are closed in the Record of Decision or Oregon Plan.
- Route designation is to be determined in follow-on planning tailored to specific planning areas with broad considerations included in the Oregon Plan.

#### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Oregon Plan, and the Plan does not set out habitat requirements.
- The Oregon Plan sets out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM's guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

#### **Effectiveness monitoring**

- The Oregon Plan sets out objectives and commits the agencies to track whether these objectives are being met.
- BLM's guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM's report is to discuss "if and how the BLM can work to reduce or eliminate any of the causal factors."

#### **Adaptive management**

- The Oregon Plan sets out triggers for considering when actions, such as changing General Habitat Management Areas to Priority Habitat Management Areas, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders to "implement an appropriate response strategy."



## Sage-Grouse Implementation Options in Utah

### **Greater Sage-grouse Conservation—The Collaboration Continues**

The BLM's Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Utah Plan is provided below.

### **Protective measures**

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### **Avoidance**

The Plan's framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Major rights-of-way/infrastructure—such as transmission lines—in Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in Priority Habitat Management Areas

### **Limited Prescriptions**

The Utah Plan provides for BLM to permit uses without specifying in detail how protections will be managed for:

- Major rights-of-way/infrastructure in General Habitat Management Areas
- Minor rights-of-way/infrastructure in General Habitat Management Areas
- Wind energy development in General Habitat Management Areas
- Oil and gas development in General Habitat Management Areas

### **Oil and gas leasing and development**

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Great Basin Record of Decision, Rocky Mountain Record of Decision nor the Utah Plan specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM's guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.

- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government's interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM's Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

#### **Travel management**

- No routes are closed in the Record of Decision or Utah Plan.
- Route designation is to be determined in follow-on planning tailored to specific planning areas with broad considerations included in the Utah Plan.

#### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Idaho Plan, and the Plan does not set out habitat requirements.
- The Utah Plan sets out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM's guidance (IM 2016-142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

#### **Effectiveness monitoring**

- The Utah Plan sets out objectives and commits the agencies to track whether these objectives are being met.
- BLM's guidance (IM 2016-139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM's report is to discuss "if and how the BLM can work to reduce or eliminate any of the causal factors."

#### **Adaptive management**

- The Utah Plan sets out triggers for considering when actions, such as changing General Habitat Management Areas to Priority Habitat Management Areas, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders to "implement an appropriate response strategy."



## Sage-Grouse Implementation Options in Wyoming

### **Greater Sage-grouse Conservation—The Collaboration Continues**

The BLM's Greater Sage-grouse Plans provide a framework for managing the activities on our public lands in a way that preserves multiple use, sustains the land for future generations, and meets the conservation goals for sage-grouse and the sagebrush habitat. Thanks to these plans, the U.S. Fish and Wildlife Service found that the greater sage-grouse no longer required listing under the Endangered Species Act, a status we can keep with thoughtful implementation in each state and region. The collaborative framework provides discretion to BLM state and field offices. This allows them to work with cooperating agencies and other partners, to determine the best way to achieve the goals and objectives of the plans in the context of proposed uses.

An overview of the discretion available to the BLM to manage major public land uses under the Wyoming Plans is provided below.

### **Consistency with Wyoming's plan**

- The Wyoming Plans are modeled on and designed to be consistent with the State of Wyoming's sage-grouse plan and to ensure that sage-grouse are managed similarly on state, private and federal lands.
- The Wyoming Plans incorporate the latest habitat information from the state, which Wyoming released just three months before BLM finalized the plans in Sept. 2015.

### **Protective measures**

- Practices, such as avoiding large-scale transmission lines, to preserve land and vegetation, are limited to sage-grouse habitat.
- The strongest measures, for instance only allowing oil and gas development without surface disturbance, are only targeted on the most important habitat.
- These habitat areas are identified by state and federal scientists.

### **Avoidance**

The Plans' framework, rather than closing lands to uses, identifies potentially harmful uses that should be avoided but may be permitted as needed, even in high quality habitat, such as:

- Wind energy development in Priority Habitat Management Areas
- Solar energy development in General and Priority Habitat Management Areas
- Major rights-of-way/infrastructure—such as transmission lines—in Priority Habitat Management Areas
- Minor rights-of-way/infrastructure—such as roads—in Priority Habitat Management Areas

### **Oil and gas leasing and development**

No areas are closed to leasing. Agencies are required to prioritize oil and gas leasing and development outside sage-grouse habitat. Neither the Rocky Mountain Record of Decision nor the Wyoming Plans specify methods for prioritization—focusing instead on what BLM state offices should “consider.” Similarly, BLM's guidance (IM 2016–143) provides a set of “factors to consider” in prioritizing leasing and development, including:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations.



- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development are more appropriate for consideration than parcels with lower potential for development.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the Greater Sage-grouse Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government's interest will generally be considered more appropriate for leasing.
- As appropriate, use the BLM's Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to evaluate Expressions of Interest (nominated parcels) in Priority Habitat Management Areas, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (solid minerals, rights-of-way) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

#### **Travel management**

- No routes are closed in the Record of Decision or Wyoming Plans.
- Route designation is to be determined in follow-on planning tailored to specific planning areas.

#### **Livestock grazing**

- No areas are closed to grazing, either in the Record of Decision or Wyoming Plans, and the Plans do not set out habitat requirements.
- The Wyoming Plans set out sage-grouse seasonal habitat indicators and associated desired conditions or objectives.
- BLM's guidance (IM 2016–142) provides for at least one alternative to consider adopting thresholds and defined responses as terms and conditions for renewal of a grazing permit or lease in Sagebrush Focal Areas or Priority Habitat Management Areas, but does not require they be incorporated.

#### **Effectiveness monitoring**

- The Wyoming Plans set out objectives and commit the agencies to track whether these objectives are being met.
- BLM's guidance (IM 2016–139) requires the agency to compile monitoring data and prepare reports regarding the effectiveness of the plan in meeting the objectives and goals for different resources but does not mandate a specific response. If objectives are not being met or progress is not being made toward meeting them, BLM's report is to discuss "if and how the BLM can work to reduce or eliminate any of the causal factors."

#### **Adaptive management**

- The Wyoming Plans set out triggers for considering when actions, such as habitat restoration, may need to be taken, based on habitat conditions and population numbers determined with state agencies.
- Triggers are based on habitat loss and population declines.
- Hard triggers (where measured levels indicate conservation is not succeeding) require specific responses.
- Soft triggers (where measured levels indicate conservation actions may not be achieving desired results) require conservation on a project-by-project basis that is designed with stakeholders, including state agencies, "with consideration of local knowledge and conditions."

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE  
COMMITTEE'S OFFICIAL FILES]

**Rep. Grijalva Submission**

—The Integrated Rangeland Fire Management Strategy  
Actionable Science Plan, October 2016, produced by the U.S.  
Department of the Interior.

